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THE SOLICITORS' JOURNAL.

LONDON, FEBRUARY 5, 1859.

THE QUEEN'S SPEECH.

The Queen's Speech, which has so much disappointed politicians, throws out some baits to law reformers. Foreign politics were slurred over, and the state of our continental relations only extracted from ministers by the determination of the leading members of the opposition. Parliamentary Reform was shoved into a corner; a forewarning, probably, of the treatment which the great question of the day is to receive from Government, unless the representatives of the people are more active than they have been in past sessions. But the amendment of the law holds a prominent place in the speech, and it really seems as if Lord Derby and his colleagues, conscious of the necessity for doing something, are about to try whether an inroad into social questions may not save them from discussions less agreeable. So at least the following passage from her Majesty's gracious observations, in which the major and the minor propositions seem curiously transposed, would lead us to believe:

> Your labours have, in recent sessions, been usefully directed to various measures of legal and social improvement. In the belief that further measures of a similar character may be safely and beneficially introduced, I have desired that Bills may be submitted to you without delay for assimilating and amending the laws relating to bankruptcy and insolvency; for bringing together into one set of statutes, in a classified form, and with such modifications as experience will suggest to you, the laws relating to crimes and offences in England and Ireland; for enabling the owners of land in England to obtain for themselves an indefeasible title to their estates and interests, and for registering such titles with simplicity and security.
>
> Your attention will be called to the state of the laws which regulate the representation of the people in Parliament, and I cannot doubt but that you will give to this great subject a degree of calm and impartial consideration proportioned to the magnitude of the interests involved in the result of your discussions.
>
> These, and other propositions for the amendment of the laws, which will be brought under your notice as the progress of public business may permit, I commend to the exercise of your deliberate judgment; and I earnestly pray that your counsels may be so guided as to insure the stability of the throne, the maintenance and improvement of our institutions, and the general welfare and happiness of my people.

Three distinct alterations—we hope they may turn out to be improvements—in our present legal system are sketched out in the foregoing sentences. Bankruptcy and insolvency very naturally, and very properly, stand the first in the list. The complaints, both by lawyers and the public, have been so loud and long on the defects of this branch of our laws, that no Government could resist the appeal. Not only were there omissions in the Bankrupt Law Consolidation Act, which its authors have always acknowledged and regretted, but the practical working of the measure has been in many respects unsatisfactory, and in some absolutely intolerable. Whether the ministerial measure is likely to be acceptable to the mercantile classes is another matter; and it is a point on which we are not disposed to be sanguine. The appointment of a select committee, to which the Bills of the Government and Lord John Russell will each be referred, is the most probable course to be ultimately adopted by the House.

Criminal law consolidation, if set about in the right way, is a more easy matter. There is no reason why a vigorous effort should not succeed in giving us, in this very session, a revised, concise, well-digested epitome of our statute law on crime. But we hardly expect it. The Bills of the Statute Law Commission were imperfect and crude to a degree hardly credible to those who have not examined them carefully; and the ideas of the Attorney-General on the subject, if we compare his recorded speeches with his actual performances, are mere visions, based on no practical experience of this peculiar work. If, however, any good Bills are really prepared, we hope that the opportunity will not be lost to press them forward, and that those who are well versed in criminal practice will not hesitate to come forward with any suggestions that may be necessary for rendering the measures as perfect as possible.

The transfer of land comes last, and the design hinted at seems to be that of carrying out the scheme propounded by the late commissioners. Such, at least, is the impression which the words of the Speech have left on the majority of its readers, and the fact that Mr. Secretary Walpole was a member of the commission, and concurred in the report, makes the supposition probable. If this be so, we believe that the right honourable gentleman has entered on a more difficult task than perhaps he bargained for,—a task which will require a more comprehensive consideration of a very wide subject than has yet been given to it. The enactment of any such Bill would simply ruin the great majority of solicitors; an event which we are not prepared to contemplate with equanimity, and which a considerable portion of the public will not view with applause. The least that in such a case we should have a right to demand is, that the present system of professional remuneration be previously altered, instead of destroying our income first, and leaving us then to a mere question of compensation. On a matter of such vital importance to thousands of educated and hard-working men, who have deserved well of their fellow-citizens, it is idle to talk of the public interest. It is not, and cannot be, the public interest to permanently injure a class on whose exertions the security of property, and of domestic life, hangs so much; nor do we believe that a measure of sweeping injustice was ever followed by any real benefit to the nation. We make these remarks without prejudice to the measure, of which we know nothing; but if, on its introduction, it should turn out to be unjustly detrimental to the great body of our profession, then we shall follow the example once set by a high personage in a high place—we "shall stand by our order"—and oppose a firm resistance to so great a wrong.

There is one remark which applies to all three Bills thus promised by the Ministry. The hesitation visible on the subject of Parliamentary Reform, and the numerical superiority of the opposition, whose disorganisation would soon cease if a favourable opportunity for victory were close in view, make it extremely probable that a vote of the House may either force on a dissolution, or abruptly terminate the existence of the Government. With such a contingency hanging over our

heads, it would be difficult to cast the horoscope of any measure. It is a goodly crop that is sown, but who will be in at the reaping?

The Courts, Appointments, Vacancies, &c.

COURT OF CHANCERY.

(Before Vice-Chancellor Sir J. Stuart.)

Lister v. *Bell.*

Mr. *Malins* (with whom was Mr. *Wood*) applied on behalf of the defendant for the costs actually incurred relating to a summons which had been taken out at chambers by the plaintiff for a special jury in this case under the Solicitor-General's Act of last session, and which summons had been adjourned into court, but had been abandoned by the plaintiff. The learned counsel stated that the defendant had incurred considerable expense in preparing to meet the summons.

Mr. *Bacon*, who said he had received instructions in the cause, although he was not instructed to appear on the present motion, suggested that it was not the practice of the Court to give the costs actually incurred of an abandoned summons.

The Vice-Chancellor.—If a summons comes on in chambers, and is abandoned, justice and the course of practice require that the person summoned to chambers should, when the summons against him is abandoned, be indemnified in respect of the costs of that proceeding. When the summons is adjourned into court the same practice must prevail. As to abandoned motions, there was a General Order, which has not yet been extended to abandoned summonses. By a General Order of Lord *Eldon's* (5th of August, 1818), it is prescribed that if affidavits have been filed in support of a motion which is abandoned, the costs shall be taxed, and paid to the other side by the party giving the notice of motion and not moving; but neither 40*s.* nor any other sum has been fixed by the practice of the Court as the costs of an abandoned summons. Lord Eldon's order was intended to prevent a party who had been put to great expense being sent away with 40*s.* as an indemnity for that unreasonable expense. If, therefore, I find a summons abandoned in chambers, or abandoned in court, I can understand no other practice, and I have heard of no authority for any other course of practice, than that a person summoned to oppose a summons, and being told, after he has incurred considerable expense in preparing to oppose it, that it is abandoned, must have his taxed costs. I do not know why I heard anything stated about the nature of the summons, because that had nothing to do with it. If I found a case made that required me to summon a jury, I might, in the exercise of my discretion, if I thought it necessary, summon a jury, or take any other means which the Legislature has armed me with to endeavour to do justice between the parties. The Legislature, which has prescribed those means of justice, has given the judges a discretion. I think the defendant is entitled to the taxed costs of the summons. I mentioned the matter with respect to the jury, because Mr. Malins asked the other day to have the jury-box removed. But when I find an Act of Parliament empowers me to summon a jury, I do not mean to put out of my reach a new weapon which the Legislature has enabled me to have recourse to.

Mr. *Malins*.—Nor do I ask that, sir. All I wished was, and I will now renew my application, that your Honour should give the proper officer directions during the short vacation that will now intervene to remove that jury-box. I merely ask it as a favour to the bar and myself.

The Vice-Chancellor.—I did not order it to be put there. It is put there in consequence of an Act of Parliament, and I do not mean to deprive myself of any assistance in administering justice which Parliament has said I should have.

Practice of the Court as to the Appointment of Juries to be summoned to attend the Courts of Chancery, and report upon Issues of Fact.

George v. *Whitmore.*

Mr. *Morris* moved in this cause, which is not yet ready for hearing,—"That an order might be made that certain enumerated questions of fact might be tried before his Honour himself by a common jury, and that the evidence on the trial of such questions might be directed to procure the attendance of a jury for the trial of such questions, pursuant to the provisions of the Chancery Amendment Act of 1858."

Mr. *De Gex* opposed the motion.

His Honour said, that, as this was an application under so recent an Act of Parliament, and in reference to the exercise of a jurisdiction so recently vested in the Court of Chancery, it would be as well to state distinctly the course which he should follow in this and similar cases. He would not make an order for the appointment of a jury to report on questions of fact arising in his court unless the application were made to him by the consent and with the approval of counsel on both sides, nor would he make such an order unless the case were fairly before the Court for argument, and such an issue of facts were involved in the suit as would have justified the Court, under the law as it formerly stood, to direct an issue at law. Provided the suit were in the state of maturity, and the issue of facts were of the nature he had just mentioned, he should have no hesitation in making an order under the new Act for the summoning a jury to attend before him in his court to try the question of facts in dispute, and for the oral examination of witnesses in open court, as prayed.

Mr. *De Gex* asked, that Mr. Morris's client might be ordered to pay the costs of the present application.

His Honour said, the application was of so novel a nature, and had been so fairly put to the Court by Mr. Morris, that he thought it would be only fair to divide the costs.

COURT FOR DIVORCE AND MATRIMONIAL CAUSES.

(Before the Lord Chancellor, Mr. Justice Wightman, and the Judge Ordinary.)

In re Shedden.—Feb. 1.

Mr. *J. Wilde*, Q. C., moved for leave to amend the petition in this case, and for directions as to the mode of proceeding. It was the first application under the Legitimacy Declaration Act, 1858 (21st & 22nd Vict. c. 93), by which persons were enabled to establish their legitimacy, and the validity of the marriage of their parents and others from whom they might be descended. The petitioners, William Patrick Ralston Shedden, and his daughter, Annabella Jean Ralston Shedden, prayed that the marriage of the parents of the first petitioner, which took place in America, might be declared valid. He did not know whether the persons to be cited under the 7th section of the Act were to be selected by the parties or by the Court.

Sir C. Cresswell said, the Court could not point out the persons who ought to be cited. The parties must apply to the Court to be allowed to cite certain persons, and show a reasonable ground for being permitted to do so.

Mr. *J. Wilde* said, the persons whom the petitioners proposed to cite were Mr. Robert Shedden Patrick and Mr. William Patrick, the next of kin of William Shedden, if his marriage had not been valid. The point in which he asked leave to amend was the omission of the name of Mr. William Shedden Burr, who had died since the presentation of the petition.

The Court granted the application.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner Goulburn.)

In re Evans.—Feb. 2.

This bankrupt was described as of Farnham, scrivener, and to-day came up to pass his last examination.

Mr. *Lawrance* appeared on the part of a creditor to oppose. He said that the bankrupt was a solicitor, and disposed of his practice and went to France, and was made bankrupt. He did not surrender until a day or two before the prescribed time for surrendering, and, of course, no accounts were filed on the day appointed for the last examination; and on the bankrupt's application two months' time was allowed for him to prepare them, but he had not yet filed them; still there was no objection to a short further adjournment, on condition that no further adjournment should be applied for.

The bankrupt's solicitor said, there was not the slightest desire to delay, and the bankrupt had been assiduous in his attendance on the official assignee, but some of the books were in the hands of other persons.

Mr. *Pennell*, the official assignee, said, the bankrupt had rendered every assistance, but the accounts were very intricate.

Mr. *Lawrance* said, that the accounts involved sums of a large amount received from clients, and the assignees would require a cash account from January, 1856.

His Honour granted the adjournment for one month, observing, that in many cases traders in a small way were adjourned sine die for want of accounts, and here was a gentleman of education, and who, from his profession, knew his responsibilities; he must therefore understand that if the accounts were not filed in due time the examination would be adjourned sine die, without protection.

OUR JURY SYSTEM.

In an action, *Gaylor* v. *The Eastern Counties Railway Company*, tried in the Court of Exchequer for compensation for injuries received when a passenger on the defendants' railway through the neglect of their servants,

Mr. Baron Channell, in summing up, told the jury they should give reasonable, but not vindictive or even speculative damages.

The jury having deliberated for a few minutes,

A juror said:—One gentleman says he will hold out, my Lord.

Mr. Baron Channell.—Gentlemen, if it will at all assist you I will read over the evidence.

Several jurymen here said it was not at all necessary. They had made up their minds, but one gentleman stood out.

Mr. Baron Channell.—I cannot hear anything about that.

The jury then retired, and after an absence of three-quarters of an hour, sent a message in to the learned judge to know if the parties would consent to take the verdict of the eleven.

Mr. *Lush*, in reply to Mr. Baron Channel, said, he was prepared to do so, but

The Attorney for the defendants declined.

In twenty minutes more the jury sent another message to state that there was not the slightest chance of their agreeing, to which no reply was returned, and they continued locked up in their chamber without food or fire, candle-light excepted, one of the body having obtained permission "to write home to his wife."

At half-past eight the jury returned into court, and gave a verdict for the plaintiff—damages, £400.

PAYMENT OF SPECIAL JURORS.

In the Court of Exchequer, on Tuesday, when the case of *Wright* v. *Brown* was called on, the special jury summoned answered to their names, and were about to be sworn by Mr. Coleman, when

Mr. *Edward James* requested that the oath should not be administered, as the record had been withdrawn, and a stet processus entered.

The Lord Chief Baron.—What is to be done with the jury?

Mr. *James* replied, he did not know.

The Lord Chief Baron.—If I had known that any arrangement had been come to to deprive the jury of their fees, I would have had them sworn, and then the fees must have been paid. Whose jury is it?

Mr. *James*.—The defendant's.

The Lord Chief Baron.—And you represent the defendant.

Mr. *James*.—I very much regret I am not in a position to say anything about the fees.

The Lord Chief Baron remarked to the jury that he much regretted that they were deprived of their fees, but he could not help it.

The jury then retired from the box.

We had great pleasure in announcing, in last week's number, that Lord Stanley had appointed Mr. Joseph Arnould, of the Home Circuit, to the puisne judgeship of the Supreme Court of Judicature at Bombay, recently vacated by the promotion of the Hon. Sir Matthew Richard Sausse. Mr. Arnould was educated at Dorchester and the Charter House, whence he proceeded to Oxford, where he gained an open scholarship at Wadham, won the Newdegate prize poem in 1834 (subject, "The Hospice of St. Bernard"), took first-class honours in 1836, and was shortly afterwards elected fellow of his college. He next studied for some years at the University of Bonn, where he superadded a critical acquaintance with French and German literature, to the stores of Greek and Latin which he had accumulated at Oxford; and, subsequently entering at the Middle Temple, was successively the pupil of the late Serjt. Simon and the present Mr. Justice Hill. Called to the bar in Michaelmas Term, 1841, Mr. Arnould joined the Home Circuit and Surrey Sessions, but is best known to the profession by his "Treatise on the Law of Marine Insurance," which first appeared in 1848, and of which a new edition has very recently been called for. To deep and varied scholarship Mr. Arnould unites a profound knowledge of the principles, and much practical acquaintance with the details, of every branch of our jurisprudence; his appointment is not more creditable to himself than to the new Secretary for the affairs of India, and augurs well, we think, for Lord Stanley's future disposition of his judicial patronage in the East. Mr. (now Sir Joseph) Arnould kissed hands and was knighted at the Privy Council on Thursday last.

Our readers will not be unprepared for the announcement that Mr. Charles Phillips, the once celebrated criminal lawyer, and for the last twelve years a Commissioner of the Insolvent Debtors' Court, died on Tuesday evening, at his house, in Gordon-square, never having been restored to consciousness since the moment of his attack on the previous day. The learned gentleman was, we believe, 74 years of age. He was called to the Irish bar in 1809, and admitted to the English bar in 1821. His successful career as a criminal lawyer is well known, and it was only brought to a close by the appointment in 1842 of Mr. Phillips as a District Commissioner of Bankruptcy at Liverpool. That office he continued to fill until 1846, when, upon the occasion of Mr. David Pollock being appointed Chief Justice of Bombay, Mr. Phillips resigned his provincial post, and accepted the vacant commissionership of the Insolvent Debtors' Court. The late commissioner was not unknown in the ranks of literature, his "Life of Curran" being, perhaps, his best known work. He was also the author of various pamphlets, one of which, upon the question of capital punishment, was considered by the Society of Friends so cogent in its reasoning, and so decisive in its facts, that it has been republished by them as an authority in favour of the views which they entertain upon this important subject.

Mr. A. F. Lutwyche has been appointed Attorney-General of New South Wales, in the room of Mr. J. Martin, who has retired. Mr. Martin's resignation was at first said to be voluntary, but it appeared afterwards that it was to a certain extent compulsory, on the ground that he had not, in his capacity of minister, efficiently supported the measures brought forward by his colleagues.—Sir A. Stephen, Chief Justice, has also resigned his seat in the Legislative Council.

The appointment of Mr. W. H. Adams, M.P. for Boston, to the vacant Recordership of Derby, rendered it incumbent on the hon. gentleman to present himself before his constituents and solicit re-election. The hon. gentleman was re-elected on Thursday without opposition. He was well received, and made an able speech.

Notes on Recent Cases in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law*.)

Arbitration Clause—Engineer's Certificate—Condition Precedent.

Scott v. *The Corporation of Liverpool*, 6 W. R. 136, 493; 7 W. R. 153.

The Lord Chancellor has affirmed the decision of Vice-Chancellor *Stuart* in this case, which illustrates the distinction—at first sight rather a nice one—between the effect of a clause in a contract providing that, in case of any disputes arising with respect to a breach of the contract, they shall be determined by the arbitration of A.; and a clause that, in case of one of the parties doing a particular act, he shall pay such damages as A. shall award. In the former case, if a breach of contract has taken place, a right of action has accrued, and an action or suit may be commenced, notwithstanding the clause providing for arbitration. In the latter, no right of action can exist until A. has made his award, and the party has refused to pay the damages awarded. When that has been done, the courts of law and equity are open to any complaint of unfairness in the award. In the case before us, the question arose on a contract between the corporation and the plaintiffs, who were a firm of builders, for the construction of certain waterworks, which contained the following clause:—"In case of the contract being so determined as aforesaid, the corporation may relet the undertaking of the contractor, or any part thereof, and when the contract shall have been so terminated, or so soon thereafter as the engineer may think convenient, the said engineer shall give and determine what amount (if any) is then reasonably earned by the contractor in respect to work actually done, and in respect to the value of any materials, implements, and tools provided by the contractor and taken by the corporation." The corporation having terminated the agreement, the plaintiffs refused to submit to the arbitration of the engineers, and filed a bill against the corporation for an account. The Lord Chancellor held that the certificate of the engineers was a condition precedent to the plaintiff's obtaining any remedy at law; and that in equity no construction could be put upon the agreement distinct from its legal construction. He reviewed the authorities upon the subject, and summed up

their effect as follows:—"I have entered at so much length into the case, partly on account of its great importance, but principally with a desire to show that there may be extracted from previous decisions principles that may be safely applied to determine the effect of provisions now so common in contracts for the execution of works, by which the contractor's claims and liabilities are placed at the discretion and under the control and judgment of the agent of the parties for whom the work was to be done. If the parties to the agreement have provided beforehand for the settlement of any disputes that may arise on the rights and liabilities growing out of the contract by the arbitration of persons mentioned in the agreement, or to be determined when disputes arise, such a stipulation cannot be urged as an answer to either party who prefers to resort to the courts for the determination of his rights; nor can it deprive the tribunals of this country of their jurisdiction whatever remedy may be open to the parties against whom proceedings are instituted for the breach of the agreement. But where the contract provides for the determination of the claims and liabilities of the contractors by the judgment of some particular person, this would be incorrectly called a provision for submission to arbitration, as no dispute can exist in such a case, everything being dependent upon the decision of the individual named, and until he has spoken, no right can arise which can be enforced at law or in equity."

Vendor and Purchaser—Misdescription—Ground-rent "amply secured."

Smith v. *Watts* (7 W. R. 126, s.c. 32, L.T. 190.

This appears to have been rather a hard case upon a purchaser who bought at an auction a ground-rent of £50 per annum, described as "amply secured," though it turned out that the powers of the landlord in recovering it were very doubtful. The property was sold under a decree of the Court, and was described in the particulars of sale as "A leasehold ground-rent of £50 per annum, *amply secured* on six dwelling-houses (describing them), let to Mr. Burstall, on a lease dated the 1st of December, 1841, *for the whole term*, at £82 per annum: held under two leases, dated the 26th December, 1834, from the Earl of Cadogan, for a term of which twenty-six years will be unexpired at Christmas, 1858, at ground-rents amounting together to £32 per annum. Net improved ground-rent per annum for twenty-six years, £50." The fact was, that the sub-lease granted to Mr. Burstall exceeded the term granted by the superior landlord by five years, and the effect of this error was, that the sub-lease operated as an assignment, and left no reversion in the hands of the vendors. The eighth condition of sale, which was drawn by Mr. Hayes, the conveyancing counsel, noticed the error in the sub-lease, and provided that the purchaser should not take an objection in respect of it; and that, as the several instruments were open to the inspection of intended purchasers for ten days previous to the sale, the purchaser should be taken to have full notice of their contents. It was contended by the purchaser, that there was a misdescription which ought to render the contract void, inasmuch as there was really no security for the rent-charge, all powers of distress and re-entry being gone. Vice-Chancellor *Kindersley*, however, held that the description "well secured" was sufficiently accurate when coupled with the explanation of the state of the title made in the eighth condition. "What is the meaning," the Vice-Chancellor observes, "of saying 'amply secured,' and then describing *how* it is secured? Why, that although the vendor considers it to be amply secured, he may be wrong in his legal conclusions, and the Court might decide that the intermediate tenant had no right of re-entry. . . It is no misdescription, because the mode in which it is said to be amply secured is pointed out, leaving the parties to judge for themselves." His Honour accordingly held the purchaser to his bargain.

It is observable that the Vice-Chancellor considered that the better opinion was, that the intermediate tenant had a power of re-entry, notwithstanding the frame of the sub-lease; but he did not decide that point. In the report in the *Weekly Reporter* the word used is "distress," but it is difficult to see how that could exist under the circumstances. Mr. Joshua Williams, in the Addenda to the new edition of his excellent work on the Law of Real Property, has some remarks on this case. He says, "Notwithstanding the high authority of the Court, the author, were he himself a vendor, should not think of describing an annual payment for which the purchaser could neither distrain nor sue in his own name, as a ground-rent amply secured. The Court, in fact, says to the purchaser, 'It was your own fault; for if you had been as good a lawyer as we are, you would have inferred from our other statements how little reliance were to be placed on our assurance that we offered you a ground-rent amply secured.'"

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law.*)

I. IN BANC.

Interpleader, Law of.

Furber v. *Sturmey*, 7 W. R., Exch., 163.

In this case (which came before the Court by way of appeal from the decision of the judge of a county court) the Court of Exchequer have laid down the law as the extent to which the goods of a judgment debtor are bound by a fi. fa. issued against him. Certain goods taken in execution originally belonged to A. B. (the judgment debtor), but at the time that the fi. fa. issued, these goods were in pawn with one C., and C. had transferred his lien thereon to D. (the claimant in the interpleader issue). It was held that, inasmuch as the transfer of the lien was not shown to have been other than a bonâ fide transaction, that D.'s claim was paramount to that of the original owner, and consequently to that of the execution creditor who claimed under such owner; and this, without the necessity of proving affirmatively that the goods were properly pledged. The burthen of proving the contrary, lies upon the party claiming under the original owner.

It may be observed as to this case that it was decided by the Court of Exchequer, nearly twenty years ago, in *Legg* v. *Evans* (6 Mee. & W. 36), that property held by a party in right of a lien cannot be taken in execution, and the principle was afterwards affirmed by the Queen's Bench in the case of *Rogers* v. *Kennay* (9 Q. B. 592).

Lunacy, Law of.

Fletcher v. *Fletcher*, 7 W. R., Q. B., 187.

In this case an important question as to the law of lunacy came before the Court of Queen's Bench. The point was raised by way of demurrer, the defendant having pleaded to a declaration charging him with assaulting and falsely imprisoning the plaintiff, that he had *conducted* himself as a person of unsound mind, without alleging in terms that he was in fact of unsound mind. It was contended in defence of the plea, that if a man acts like a lunatic he cannot complain of being treated as one, such conduct being in its legal effect an estoppel in pais, precluding the party so acting, and treated as a lunatic, from afterwards suing him by whom he was so treated. It was, however, pointed out by the Court that this species of estoppel (the learning as to which is to be found at length in *Pickard* v. *Sears*, 6 A. & E. 474; and *Freeman* v. *Coote*, 2 Exch. 654), operates only where the representation made by the words or conduct of the plaintiff was intended to be acted on by the defendant; and therefore that the doctrine did not apply in the case before them.

Payment by a Cheque.

Stuart v. *Cawse and Another*, 7 W. R., C. P., 187.

The Court of Queen's Bench held in the case of *Hough* v. *May* (4 A. & E., s. 954), that a debt cannot be discharged by a cheque, unless the cheque is accepted in payment by the creditor; and it was in that case also intimated that an action for the debt might be commenced before returning a cheque so sent. Acting upon this decision, *Willes*, J., refused at chambers to stay an action brought to recover 6*l.* 8*s.* 6*d.*, although the real sum in dispute was only 5*s.*, the defendant having sent a draft for the balance, of which the plaintiffs still retained possession, though they had said they would return it. *Willes*, J., however (on an application to the Court for a stay of proceedings on payment of the 5*s.*, notwithstanding his refusal at chambers to make an order), said, that he had not then been made sufficiently aware of the special circumstances of the case, and he now agreed with the rest of the Court that the action must be stayed as an abuse of their process. It was added that the Court regretted that they could not, consistently with the rule which prohibits such costs being given in a case where the Court reverse a decision at chambers, also make the plaintiff pay the costs of the application.

II. AT NISI PRIUS.

Principal and Agent, Law of.

Jones v. *Wint*, 1 Fost. & Fin. 261; *Aste* v. *Montague*, ib. 264.

In the first of these cases the defendant was sued for repairs

to certain houses, and it appeared that though the repairs had been ordered by the defendant, he was, in fact, only interested in the houses in question as the *attorney* of the real owner. The plaintiff had delivered his account to the defendant, and about a twelvemonth after, for the first time, charged him expressly as his debtor—having in the meantime sued and recovered judgment against the owner on certain bills he had given for the price of the repairs. On these judgments the plaintiff had, however, realized nothing, in consequence of the owner's insolvency, and the jury having by their verdict decided that credit had been originally given to the defendant, *Crowder*, J., said, that in that case the bills must be taken as having been given only as collateral security, and he consequently refused an application to stay execution for the purpose of moving to reduce the damages.

Aste v. *Montague* also turned on the law of principal and agent, the defendant being sued for the price of corn supplied to a former coachman of his, who had been accustomed to order on the defendant's credit, and whom he had allowed to go about in his livery, while no notice was given to the plaintiff that the coachman had left the service of the defendant. The Chief Baron, under these circumstances, held the defendant liable; chiefly, it would seem, on the authority of a case decided by Mr. Justice *Littledale* (*Rimell* v. *Sampayo*, 1 C. & P. 254). There a coachman went in his master's livery and hired horses, which the master (with knowledge where they were hired) afterwards used; and it was held, that, to an action brought against the master for the hire, it was no defence that an agreement existed between the defendant and his servant that horses should be provided by the latter at his own expense, if such agreement was unknown to the plaintiff. The same point, it may be observed, had been long before ruled in the same way by Lord *Kenyon*, in the case of *Precious* v. *Abel* (1 Esp. 350), who remarked, that a tradesman had nothing whatever to do with any private agreement between the master and servant.

III. RELATING TO MAGISTRATES.

APPEALS, PRACTICE AS TO.

Reg. v. *Kendal*, 7 W. R., Q. B., 191.

This was an appeal against a removal order, which order was quashed at the July sessions, subject to the opinion of the Queen's Bench upon a case by which the following facts appeared:—The appellants had given notice of appeal for certain Easter sessions, and on the appeal being then called on, had applied for and obtained an adjournment to the next Midsummer sessions, on the ground of the absence of a material witness. Before the Midsummer sessions, the appellant served the respondents with two additional grounds of appeal; and the question for the Queen's Bench was, whether the appellants were entitled to go into these fresh grounds (as they in fact did by the permission of the Court of Sessions) at the hearing of the appeal in July.

The point turns upon the proper construction of the 81st section of the Poor Law Amendment Act of 1834 (4 & 5 Will. 4, c. 76). There it is enacted, that the "grounds of appeal" against an order of removal must be given in writing fourteen days, at the least, before "the first day of the sessions at which the appeal is intended to be tried." But *Reg.* v. *Derbyshire* (6 A. & E. 612) decided that the statute does not necessarily contemplate the sessions at which the parties *first* intended the appeal to be tried; and that the appellants are not, consequently, tied down to the grounds which were duly delivered fourteen days before such session. On the authority of this case, the Queen's Bench decided that now before them in favour of the appellants, distinguishing the later decision of *Reg.* v. *Arlecdon* (11 A. & E. 87), in which the Court refused to allow fresh grounds of appeal to be delivered after the appeal had, in point of fact, been heard. It was intimated that the proper course for the respondents would have been to apply at the time the adjournment of the case was asked for at the Easter sessions, that the order prayed for should be made only on the terms, that no new grounds of appeal should be delivered.

THE NEPHEW OF CURRAN.—The undoubted nephew of the great John Philpot Curran is at present, and has been for some time, an inmate of a workhouse in his native county of Cork. A movement is on foot with a view of collecting a sum of money sufficient to keep him independent of public charity for the rest of his life, and thus save the country from a stigma which must otherwise rest upon all classes of Irishmen.

Parliament and Legislation.

HOUSE OF LORDS.

Thursday, Feb. 3.

NEW PEERS.

Lord CHURSTON (late Sir J.Y. Buller) and Lord KINGSDOWN (late Mr. Pemberton Leigh) took the oaths and their seats.

HOUSE OF COMMONS.

Thursday, Feb. 3.

NEW WRITS.

On the motion of Sir W. HAYTER, a new writ was ordered for Banbury, for the election of a member in the room of Mr. Tancred, who had accepted the Chiltern Hundred.

On the motion of Colonel FRENCH, a new writ was ordered for Galway, for the election of a member in the room of Mr. O'Flaherty, whose election had been declared void.

MARRIAGE WITH DECEASED WIFE'S SISTER.

Viscount BURY gave notice of his intention, at an early day, to ask leave to bring in a Bill to amend the law with relation to marriage with a deceased wife's sister.

SUCCESSION TO REAL ESTATES.

Mr. LOCKE KING gave notice of his intention to ask leave to bring in a Bill to amend the law with relation to the succession to real estates in cases of intestacy.

LUNATICS.

Mr. TITE gave notice that on Tuesday, the 15th inst., he would move for a committee to inquire into the law with regard to lunatics, especially those found lunatic by commissions.

Ireland.

DUBLIN, THURSDAY.

COURT OF CHANCERY.

In re William Leech, a Solicitor.

This was a petition, presented by Mr. Leech, a solicitor of the Court, and the petitioner in a cause of *Leech* v. *Wallace*, heard last term, a note of which appeared in S. J. vol. iii. p. 70 (December 4, 1858). On the hearing of that petition, the Lord Chancellor dismissed it with costs, expressing, in strong terms, his disapproval of the petitioner's conduct, and intimating that he ought to be struck off the rolls. The present petition was filed for the purpose of supplying certain information, calculated to alter the complexion of the case, and to clear the character of Mr. Leech.

Brewster, Q.C., in opening it, said, that his client had waited for some time expecting that his Lordship would have called on him to show cause why he should not be struck off the roll. As this had not been done, the present petition had been presented, in order to remove the aspersions cast on his character. The affidavits filed by him appeared to prove that, throughout the transactions out of which the suit had arisen, Mr. Leech had suppressed no facts actually within his knowledge, and had acted bonâ fide and properly.

The LORD CHANCELLOR said, that the case out of which the present petition arose came before him under peculiar circumstances, such as at the time warranted him in making the observations he had made. He (the Chancellor) was now able to say, after a minute examination of the facts now disclosed, that Mr. Leech's conduct was fully explained, and that the observations complained of might be retracted. Mr. Leech was a solicitor, and the surviving trustee of an old settlement, who had instituted proceedings against a former trustee without sufficient reasons—as it then seemed, but several important facts now presented to him did not appear on the former occasion. There was no class of men in whose honour and uprightness the public were more interested than in solicitors. The most important affairs of life were managed by them, and generally speaking, he must say, that he had no reason to speak otherwise of them than to their credit. He regarded their proceedings with a feeling of anxiety that the public should be able to place confidence in them; and he did not hesitate to animadvert, where animadversion was required. In the present case the explanations offered induced him to withdraw his censure. He regretted that the matter had occurred, but after what had taken place on the former occasion, Mr. Leech had no other course open to him than this; and at least it afforded him (the Chancellor) the opportunity of retracting his observations, and publicly declaring that the explanations now offered were perfectly satisfactory.

COURT OF PROBATE.

In the case of *M'Manus* v. *M'Cann*, Dr. *Townsend*, on behalf of the plaintiff, applied to have the case tried by the judge, without the intervention of a jury. The declaration alleged intestacy, and the defendant's plea alleged a will. The replication stated that the alleged will was made when the deceased was not competent.

Dr. *Darley*, for the defendant, consented to the application being granted, but

Judge Keatinge said that the question was one suitable for a jury, and he would not try it himself without a jury. If the parties wished, he would hear arguments on the point whether, both plaintiff and defendant desiring it, he was bound to try it without a jury.

Counsel on both sides having expressed their opinion that the matter was one entirely within the discretion of the judge,

His Lordship directed that it should be tried before a common jury of the county of Dublin.

COURT OF COMMON PLEAS.

In a case of *Loughnan* v. *Guardians of Kilkenny Union*, an application was made on Friday on the part of the defendant to compel payment by the plaintiff of certain costs, which application was granted with costs, there being no appearance on the other side.

On Saturday, Mr. *Lynch*, Q.C., asked the Court to reinstate the case in the list; a brief had (he said) been sent to him to oppose the motion, and when it was called on, his attorney came for him into another court, but in consequence of its crowded state he was unable to make his way out until the order had been made in the present case.

The Chief Judge (after consulting the other judges) said, that under the circumstances, the motion should be reinstated. The practice was as follows:—where there was no appearance to oppose a motion, the Court usually granted it with costs; but had power to reinstate it if it appeared that a fatality had occurred. If the attorney's absence were the cause, an affidavit was usually required from him; but if the absence of counsel in any court immediately within the precincts of the Four Courts, were the cause, the oral statement of counsel would suffice to procure the reinstatement of the case. Order accordingly.

RETIREMENT OF JUDGE CRAMPTON.

On Friday last it became generally known that Judge Crampton would not sit again, and that the Attorney-General (Whiteside) would, on the part of the bar, bid him farewell, and also that an address would be presented on behalf of the Incorporated Law Society. Accordingly, there was a large attendance of professional men in the Queen's Bench. The Attorney-General addressed the retiring judge in appropriate and complimentary terms. After referring to his eminent services and lengthened judicial career, the speaker thus continued —"My Lord, for the long period of time that you have sat as a judge in this court, I believe I may say that you have assisted in a remarkable manner in upholding the dignity of the bench, in the preparation of judgments of unquestioned excellence, and in the securing the prompt, the vigorous, and the impartial administration of justice. Perhaps now, my Lord, at the conclusion of your judicial career, your mind may recall the memory of the admirable colleagues who, in this court, have laboured with your Lordship in the public service. They, my Lord, to whom I have alluded, have passed away; but their recorded judgments, and the high estimation in which this Court has been ever held by the public, testify alike to their learning and their worth. My Lord, there is something singularly interesting in the contemplation of the judicial system of this ancient kingdom. From generation to generation the principles of our law have been, and are, transmitted in purity by the high priests who have successively sat and presided in our courts of justice. My Lord, there is no character superior to that of the just judge; for in nothing do morals approach so nearly to the exercise of the attributes of the Supreme Judge—though at an immeasurable distance still—than in the exercise of judicial authority upon earth. That your Lordship has earned the character of the just judge, I believe the public and the profession will agree; and, my Lord, it is gatifying to me to be able to speak that with perfect truth, in the court where Downes, and Bushe, and Burton sat. . . . On the part of the bar, I beg to assure your Lordship that you will carry with you into your retirement their respect, esteem, and regard; and if I may presume to add to their wishes the expression of my sincere individual feeling in bidding you respectfully farewell, I venture to hope, in common with my legal brethren, that you may have a prolonged life, accompanied with health and happiness."

Judge Crampton then replied as follows:—

"I cannot express the pride and pleasure with which I receive your flattering and affectionate testimony. If the praise of inferiors be (as it generally is) acceptable to the human heart, with what feelings should I, in the humility of my pretensions, accept and hail this public approbation of my judicial career, expressed through the eloquent lips of its accomplished leader, by the bar of Ireland—a body I venture to say as distinguished for its intellectual superiority as it is for its noble independence of spirit—that spirit which, through good report and evil report, enables the Irish advocate faithfully and fearlessly to discharge his honourable office, unmoved by popular clamour, and unswayed by the frowns and smiles of power. Long may this spirit of independence characterise the Irish bar. I own, gentlemen, it is with deep, very deep regret, that I sever myself from ancient ties and attachments—that I quit the scenes, the pursuits, and the associations which have for so many years occupied a large portion of my mind and my affections. But there is a time for all things. My advanced age invites retirement. It is becoming that, after holding my high office for five and twenty years, I should now retire and make room for younger and abler men. And a still higher call tells me that there should be an interval of serious rest between my departure from the bustle and excitement of forensic occupation and that final departure which opens to a rest that never ends. I cannot, however, leave this place without a cordial acknowledgment of the kind, courteous, and valuable assistance, which I have always received from my Lord Chief Justice and my venerable brethren of the bench. To you, gentlemen of the bar, I owe a large debt of thankfulness for your uniformly kind and courteous demeanour towards myself, for your forbearing and affectionate appreciation of my judicial labours, and for your most valuable co-operation with me in my poor endeavours to promote and strengthen the administration of justice. Gentlemen, I have now done—the moment has come when I must pronounce (as I do from the bottom of my heart) the sad, the solemn, but expressive word —farewell." The learned judge uttered the concluding words of his address amid the loud applause of the auditors.

Mr. William Goddard, President of the Society of Attorneys and Solicitors of Ireland, then rose from the seat he had occupied on the registrar's bench, and said:—"Mr. Justice Crampton, I have been requested by my professional brethren to present you with an address on your retirement from the bench, expressive of their high respect and esteem for you. With your permission I will read the address." Mr. Goddard then read the address as follows:—

To the Right Honourable Philip Cecil Crampton, Second Justice of her Majesty's Court of Queen's Bench in Ireland.

My Lord,—On your retirement from that high office, the duties of which you discharged for so many years in a manner that commanded the respect and admiration of every portion of the community, the attorneys and solicitors of Ireland claim the privilege of expressing the deep sense they entertain of the marked and uniform courtesy and attention they experienced from you in the long course of your judicial career, and of the sincere regret they feel at losing a judge whose high legal attainments, impartiality, and firm but urbane deportment, shed lustre on the Irish bench, and will ever be kept in grateful recollection. As practitioners of the court, they have had ample opportunity of witnessing the ability and learning displayed by you in the high position you have so ably and so honourably filled, the natural result to be expected from an early and distinguished career as a Fellow and Professor of our venerated University; and in now taking leave they venture to express their heartfelt desire that your retirement into private life may tend to restore your health, and preserve to you the enjoyment of many years of happiness in the domestic circle.

William Goddard,
President of the Council of the Incorporated Society of the Attorneys and Solicitors of Ireland.

28th January, 1859.

Mr. Justice Crampton replied:—

"Mr. Goddard and Gentlemen, it is with the greatest satisfaction that I receive your kind and flattering address. I cannot but be proud of the approbation of a body so independent and so eminently qualified to judge of professional and judicial conduct. Be assured, gentlemen, that I fully appreciate the high compliment which you pay me. I owe a large debt of gratitude to the attorneys and solicitors of Ireland. You, gentlemen, in the early period of my professional career, brought me out from obscurity; you gave me your confidence; you entrusted me with your interests and your causes; and your kind patronage placed me in that foremost rank of my profession which drew down upon me favour and promotion from the Crown. After four years' service in the office of Solicitor-General, and nearly twenty-five years of judicial labour, I now

retire happy in carrying with me not only the approbation of my brethren of the law, but that of the honourable profession to which you belong—a profession whose zealous and faithful discharge of their most important duties is equally necessary for the protection and prosecution of private rights, as for the due administration of public justice. Gentlemen, heartily wishing to each of you individually, and to your honourable body, all happiness and prosperity, I cordially thank you for the honour you have now conferred upon me."

LEGAL EDUCATION.

At the monthly meeting of the Statistical Society, on Friday last, Mr. Lawson, Q.C., made a communication on this subject, of which the substance was as follows:—

"A committee had been appointed in 1846, which made a very elaborate report upon it. Again, in 1855, there had been another report by a committee, though of a limited character; but in the latter he found there was no mention of this part of the United Kingdom. It recommended, however, that a law university should be established in London, through which all persons going to the legal profession should pass. Both committees had agreed in their general recommendation, namely, that there should be a previous education and a compulsory examination, in order to be called to the practice of the profession. It was a fact, that hitherto a person might be called to the profession of attorney or barrister without undergoing any examination. It was extraordinary, however, the vitality that there was in abuses; for in many cases they continued to exist long after they became known as abuses, and were condemned by the public as such. It was absolutely necessary that those who became members of the legal profession should be competent men. It followed as a consequence, that if persons were allowed to become barristers without the proper qualifications, there must be incompetent men amongst them. In applying legal education, the object should not be so much to educate men highly as to exclude persons who were disqualified. In the form of application which a person seeking to be admitted a law student addressed to the benchers, the first thing that struck them was, that no collegiate education was required. The Society of King's Inns had made a move towards requiring a proper amount of professional education, for they appointed two professorships of law for the purpose of giving lectures, which were open to all students and the public; but there was no compulsory examination. So much for the legal education of a barrister. As regarded the attorneys, there was a semblance of education required. By the 13 & 14 Geo. 3, a certificate was required from three examiners, setting forth that they had inquired into the moral qualifications of the person applying to be admitted an attorney, and that they thought him a proper person to be admitted. That had degenerated into mere form, for the duty of these moral examiners consisted principally in seeing that the papers of the gentleman who was admitted were in right order. So he had served his proper apprenticeship, and paid the necessary fees, he was deemed qualified. Legal education in Ireland was placed under the control of the Benchers of King's Inns, which was an ancient and respectable body, consisting of all the judges, and the most eminent men of the profession. They had considerable funds, which, if judiciously applied, would be sufficient to insure a competent staff of examiners, who would take care that no man would be admitted to the profession who had not a fair amount of general and professional education. He thought if an attorney's apprentice possessed a fair English education it would be sufficient to qualify him, without requiring from him to read a certain number of Latin books. The only thing which the benchers did for legal education in this country—the object they were constituted for—was the foundation of the two professorships, which amounted to £400 or £500 a-year. If the recommendation of the inns of court were carried out by legislation, they should take care to be partakers in the benefits conferred by it. What he would desire was, that they should have a law college here in connexion with the proposed university in London; that our students should be required to present themselves for examination; and that they should be afforded the opportunity of contending with their English competitors. The union between the profession in both countries would then be more complete, and they would have some security that persons utterly incompetent, either from a want of general or professional education, would not be admitted to the profession of the law.

Scotland.

EDINBURGH.

COURT OF SESSION.—FIRST DIVISION.

Christie v. *Thomson.*

Thomson, a tide surveyor in Leith, went one day into the shop of Christie, who is a tobacconist in Edinburgh, and seized a quantity of tobacco manufactured by Christie, suspecting or believing it to be of foreign manufacture and smuggled. It was returned in a few days, but for injury to his business Christie raised an action of damages. Notice of the cause of action was served on the defendant a month before the action was commenced, in accordance with the Customs Consolidation Act. It was made a matter of consideration by all the judges whether the elements of malice, and want of probable cause, or either of them, should be inserted in the issue, and it was decided that neither of them required to be inserted, and that the statute left the question of "probable cause" to the determination of the judge. The jury at the trial found for the pursuer, damages £200; but in the leading of the evidence counsel for the pursuer omitted to prove notice of action in terms of the Customs Act, s. 314; and the counsel for the defender, after the pursuer's counsel had addressed the jury on the whole evidence, moved the Court to enter up the verdict for the defender, in respect that notice had not been proved "upon the trial" in terms of the statute. The Lord President refused to give that direction to the jury, and admitted the evidence at that irregular stage of the trial. The other judges, in dismissing a bill of exceptions, held that he had exercised a sound discretion "in overruling a technical objection to defeat the ends of justice, and deprive the pursuer of the verdict he had obtained, or of any verdict."

Miller v. *Milne's Trustees.*

The wife of the Provost of Aberdeen was on friendly terms with a Captain Gordon, and wrote to him a letter, in which she bound her heirs to pay him £200, if she did not survive her husband, and £400 if she did survive him. Captain Gordon predeceased her, and his daughter sues for £400, Mrs. Milne having survived her husband. It was questioned whether the letter constituted a legacy or a personal obligation, transmissible against representatives. If a legacy, all the judges were clearly of opinion that it fell by the predecease of the legatee; if an obligation (as they all held it to be), it was a matter of conflicting opinion whether a married woman, during her husband's life, could constitute such an obligation against her personal estate prestable on her death.

The Lord President, Lord Curriehill, and Lord Ardmillan, held, on the authority of Erskine, and "all the writers on law for the last century," that she had the power; Lord Deas, that she had it with her husband's consent, which was not asked or given; and six of the other judges held that the obligation was ineffectual on that and more special grounds, Lord Ivory holding strongly that it would have been null even with the consent of her husband, all personal obligations come under by a married woman stante matrimonio being null.

OUTER HOUSE.

(Before Lord ARDMILLAN.)

Minority of the Magistrates of Edinburgh v. *Majority.*

The North British Railway Company having required for their purposes the ground on which there stood one of the Edinburgh churches, called Trinity College Church, a pure Gothic structure, of great antiquity, it was removed in 1848, and the railway company became bound by statute either to build a new church of the style and model of the old church, or to furnish the Town Council with funds for the purpose. They preferred to furnish the funds, and on a valuation of the cost of erecting a new church of the kind specified, the Council received from the railway company the sum of 17,671*l.* 9*s.* 6*d.* to expend in that way. After they received the money, the majority of them being fanatical Dissenters, bitterly averse to the Established Church, they resolved to build a very plain church in the parish with a small portion of the money, and apply the rest to other purposes. The minority, thinking this scheme a breach of public faith, have raised this action of declarator to ascertain what law directs should be done with the money; and the Lord Ordinary has decided that it must *all*, principal and interest, be applied to building a church such as that for which the railway company paid it. The pensioners of Trinity Hospital also claimed the money, on the footing that the church was the property of the hospital, though it had been a parish church from the Reformation downwards. The Lord Ordinary has

repelled their claim, on the authority of the statute and of usage. In his Note he says of the members of the Town Council:—"They hold the sum which they received from the North British Railway Company, in trust, for the purposes contemplated and provided for by the Act of Parliament, 9 & 10 Vict. c. 74, s. 8. By that section it is enacted, 'that it shall not be lawful for the said North British Railway Company to make any alteration on, or to use for the purposes of the said railway, the additional land in the parishes of Trinity College, St. Andrew, and Canongate, which by this Act they are authorised to purchase for a terminus in Edinburgh, until they shall have agreed with the Lord Provost, magistrates, and Town Council of the said city, on a plan for the removal and rebuilding, at the expense of the company, on another site, either within the said parish of Trinity College, or as near thereto as conveniently may be, of a new church, with equal convenience of access and accommodation to that already existing in the said parish; and that in such agreements provision shall be made for the adoption of the same style and model with the existing church: provided always, that any difference of opinion between the parties regarding the plan or site of the said new church shall be subject to the arbitration of the Sheriff of Edinburgh: declaring that it shall be competent to the railway company to offer, and the said magistrates and Town Council are hereby authorised to accept of, a sum of money as compensation for the said church, and in lieu of the foregoing obligation; and also, that this provision shall not affect the powers of the said company to purchase and acquire the said additional land."

The railway company could not have escaped from fulfilment of this statutory obligation. In lieu of the railway company's obligation to build a new church—not any new church, but a new church with equal convenience of access and accommodation, and of the same style and model as the old church—they, as permitted by the statute, agreed with the defenders for payment by the company to the defenders of a sum of money. That sum of money was agreed to be paid and received as compensation for the church which the company were bound to rebuild, and in lieu of the obligation which the company were bound to fulfil. What the railway company had been bound to do, the defenders became bound to do. The obligation was transferred by the agreement; but it was not, in whole or in part, discharged; its nature and its extent was left unimpaired.

GENUINE *v.* ACCOMMODATION BILLS.

On Monday last the Scottish Trade Protection Society had an interview with the Lord Advocate at Edinburgh, for the purpose of calling his Lordship's attention to various subjects affecting mercantile interests, and among others a proposed legislative measure for the purpose of distinguishing genuine business bills, representing value received, from accommodation bills, drawn for the sole purpose of raising money. In reply to the deputation, his Lordship said that at one period the Scotch Courts doubted the legality of accommodation bills altogether; but that question had long been settled; and so numerous and extensive were the transactions carried on in this country by means of these bills, in whole or in part, that he could scarcely say, looking forward without experience, what effect the alterations proposed would have on the general trade of the country. He would, however, give the subject his best consideration, and he had no hesitation in saying that the recent commercial disasters must call the attention of the Government and of the country to the subject, and lead them to inquire whether any legislative measure could be got which would have the effect of placing the commerce of the country on a safer and more satisfactory footing.

THE BURNS' CENTENARY.

The Burns centenary, the chief event of last week in Scotland, as it stood in need of oratory, relied chiefly upon the legal profession, for the clergy, with few exceptions, stood aloof. Lawyers have not much to thank Burns for, as he always assailed them, but they rather relish witty opposition, and are the least revengeful of men. Besides, in Scotland, they are by far the most accomplished class. The chief Edinburgh banquet was presided over by one of the judges of the Court of Session, Lord Ardmillan, an Ayrshire proprietor, who seemed to have the half of Burns by heart, and he was supported by the Lord Justice Clerk Inglis, who does not incline to poetry; by Lord Neaves, who has himself written some very clever political songs; and by Lord Ivory, whose first literary performance when a lad, was a criticism of a forgotten poem of Robert Mudie's, author of "Babylon the Great," &c., a man of splendid talents, now nearly forgotten, whose fate and history in life were too like those of Burns. Lord Ardmillan made capital speeches, for such an occasion, full of eloquence and enthusiasm, not at all lawyer-like. He is about the last of the Scotch forensic orators who can stir the emotions, and who do not appeal to reason alone. One other orator, of a different sort, a very pretty speaker, extremely popular in the House of Commons, the late Lord Advocate Moncrieff, present Dean of Faculty, was unable to attend from illness, and his absence was a loss, for though in mind, as in body, something far short of gigantic, there is a classic elegance about both, and he has the most pleasing and graceful utterance in Scotland, and is quite as much of a littérateur as a lawyer. Lord Neaves had for a toast the "Biographers of Burns," and would have made the best speech of all (he is probably the most accomplished of our lawyers, and has a delicate, grave wit), but he was too fine for his audience, especially taking into consideration the period of the evening, and the effects of toddy and sherry, and they did not attend; in fact, some of the more boorish seemed disposed to "ruff" him down; so that his speech was in a measure lost, but for the newspapers. Sheriff Gordon, of Mid-Lothian, pronounced an indiscriminate eulogy on Lord Brougham, who had once almost promised to preside at the meeting, but who could not come, though he is coming soon, this wonderful son of a Scotch minister's daughter, to receive an ovation in his native town, such as no living man would receive in Edinburgh. The old veteran sent a long letter, written by his own hand, to Lord Ardmillan, which was printed and circulated at the meeting, the object of which is to assert, that the Scotch language is an independent language, and not a provincial form of English, and to recommend the study of it, and the use of its expressive phrases and words, as a means of enriching the English language, which recommendation he and other Scotchmen have not failed to put in practice—sometimes consciously, often unconsciously. The great meeting in Glasgow was presided over by Sir Archibald Alison, the sheriff of the county of Lanark, and historian of Europe, who emitted one of his loose, tawdry, inaccurate speeches, which it would require a conscientious critic a week to correct, and an indifferent person a large bribe to peruse oftener than once. Another speaker there was, one of his substitutes, Henry Glasford Bell, of the Scotch bar, the laureate of Mary Queen of Scots, in reality a man of genius, with whom Alison is not once to be compared. Sheriff Logan was also presiding in the chief town of his county of Forfar, namely, in Dundee, and was clever, but too long, somewhat too much of the lecture. He has the heart and faculty to do justice to Burns, for he is a genuine humorist, the greatest joker now at the bar, and is said to have in his youth perpetrated a comedy or tragedy, or a mixture of the two, himself. Professor Aytoun, who is an advocate and a sheriff, but better known as a writer in Blackwood and poet than a pleader, was at the Ayr gathering, where he would be unlike himself, if he did not please by his bonhommie, and stir up multitudinous laughter by his fun.

The sheriff substituteship in Glasgow, vacant by the death of Mr. Steele, has been filled by the translation of Sheriff Substitute Strathern from Audrie, and in his place there is appointed a Mr. Logie, W.S., not much known professionally. He was one of those almost ruined by the Western Bank.

Mr. John Inglis, the Lord Justice Clerk of Scotland, by command of the Queen, was, on Thursday last, sworn of her Majesty's most Hon. Privy Council, and took his place at the board.

The Provinces.

Birmingham.—*Court of Bankruptcy.—In re John Tonks, &c.*—This was an adjourned certificate meeting before Mr. Commissioner Sanders, attended by Mr. J. Smith for the bankrupt, and Mr. Martineau for the assignees. Mr. Martineau stated that this was a case which had come before the late Mr. Commissioner Balguy three months ago. He, on that occasion, on behalf of the assignees, opposed the granting of the certificate on the ground principally of reckless trading, and the meeting was adjourned, with protection, until that day, but Mr. Balguy's death happening in the meanwhile, no further steps were taken. The assignees, although they still entertained the same views they held before, considering the period during which the certificate had been in abeyance, thought they should be justified in not further pressing their opposition, and they were accordingly willing that a certificate

should be granted. Mr. J. Smith, for the bankrupt, said, he carried on the business of a printer, but entered largely into theatrical and other speculations. The late Commissioner had entertained a strong opinion that this was not legitimate trading, which his order in some degree proved, but the learned Commissioners in London had taken a different view, and cited cases to that effect. His Honour said, the case was one that presented features on which, had the assignees thought proper to oppose, they might have enlarged upon, and perhaps with effect. The bankrupt was in business as a wine merchant as well as a stationer, and these trades appeared to have been carried on successfully; and the chief ground of objection appeared to have been that he engaged in theatrical speculations. He had a capital to some extent when he embarked in those matters, and if they had been successful throughout, he might have been a considerable gainer. It had turned out otherwise, however, and much money had been lost. As regarded the creditors, they knew the fluctuating nature of those speculations, and therefore took upon themselves a partial risk in not interfering. No fraud appeared to be alleged with respect to these transactions, and he presumed, therefore, that none had taken place. The bankrupt appeared to be a man of an enthusiastic turn of mind, having formed a project of turning quicksilver into silver. There was another matter, some connection with copper mines, but these it appeared were now being worked by persons of capital, and were paying. It was said that the bankrupt ought to have stopped when his theatrical and other speculations became a failure; but it appeared that sometimes they were profitable, and at others there was a loss. It was not on these grounds that he had any doubt about granting the certificate, particularly as the bankrupt had been punished by a three months' suspension. Although it was not pronounced to be a suspension when the adjournment took place, he thought Mr. Balguy intended it as such, by extending the protection to that very day. There were one or two blots on the conduct of the bankrupt, namely, that of having £1000 liabilities, and having kept no cash-book. Under all the circumstances, he should award a certificate, but he could not give a higher than one of the third class.

Magistrates' Clerks' Fees.—New Magistrates.—At a meeting of the Town Council, the General Purposes Committee reported that, in accordance with the instructions of the Council, they had revised the scale of fees to be taken by the justices' clerks, upon the principles laid down in the Council Minutes, No. 2504 and 2506, and submitted it to the Council to receive the signature of the mayor, and be transmitted to the Secretary of State for confirmation. The committee further recommended the Council to fix the scale of fees to be taken by the justices' clerks under the Criminal Justice and Juvenile Offenders Acts, in accordance with the same table. This would reduce the remuneration of the magistrate's clerk to about £800. The committee recommended the Council to nominate to the Lord Chancellor, for appointment by the Crown, eight gentlemen to be added to the commission of the peace, to make up for the irregular attendance of some of the present magistrates. The proposition does not appear to be very popular. The *Birmingham Daily Post* says:—"In addition to the last-created batch, nearly all of whom are actively engaged in magisterial duties, we have supplemented the body by a stipendiary officer, who reduces the necessity for the existing number by nearly one-half. In the face of this fact it is not easy even to invent an excuse for making the office cheap by the creation of auxiliaries who are not wanted."

Bradford.—Mr. Rawson, clerk to the Bradford Borough Magistrates, has received a reply from the Secretary of State to a communication representing the complaints which were lately made to the mayor and magistrates of the borough by Mr. Rimmington, chemist, and Mr. H. C. Taylor, surgeon, the two professional witnesses in the Bradford poisoning case, and also by Mr Joshua Wilson, silversmith, who incurred considerable expense in bringing a swindler and forger to justice, respecting the inadequacy of the allowances made to them for attending before the justices and at the assizes. The reply is to the effect that, in the cases mentioned, certain charges referred to in the communication forwarded to the Secretary of State had been properly disallowed by the taxing officer, in conformity with the regulations issued by the Secretary of State in February last, and that these particular cases could not be made exceptions to the general rule.

Bristol. — On the establishment of the Bristol County Court, the Court of Conscience and the Court of Requests, which previously existed, were merged in the new tribunal for the recovery of small debts. In the former courts, persons not possessing any legal education, and known as "agents," were permitted to practise; and Mr. Palmer, the first appointed judge of the Bristol County Court, allowed these persons to continue to appear as advocates. Sir Eardley Wilmot, who succeeded Mr. Palmer, finding that the allowance of agents to appear as advocates caused great dissatisfaction, both to the profession and the public, requested the advice of Lord Chancellor Cranworth in the matter, but his Lordship declined to interfere. Thereupon Sir Eardley Wilmot issued an order restricting the appearance of agents to actions for debt under £10. This limitation, however, was not found to work so desirably as had been expected, and the profession to a great degree declined to come in competition with the agents. In consequence of this state of things, the learned judge (Sir Eardley Wilmot), a short time since, requested the opinion of the attorneys of Bristol upon the subject. A special meeting of the Bristol Law Association was accordingly held on Saturday last, at which the following resolution was adopted:—"That his Honour, the judge of the Bristol County Court, having desired an expression of opinion on the part of the profession, whether the limitation of the employment of non-professional agents in the conduct of cases in court shall be confined to proceedings for the recovery of debts not exceeding 40s., or to those under £5, this meeting, saving all consideration of principle involved in the employment of non-professional agents in legal matters, is of opinion that inasmuch as the present recognised agents have been allowed to practise in the Court for a considerable period, it is not expedient any objection should be made to the practice of such present recognised agents in cases of debt only under £5." This resolution was presented to his Honour by Mr. L. O. Bigg, at the sitting of the County Court, held yesterday. A long discussion ensued, in the course of which it appeared that the Bristol Law Association at present consisted only of about forty members, most of whom were not practitioners in the County Court, and that the resolution put in by Mr. Bigg was adopted at a meeting of only twelve members, including the chairman, and that upon a division the resolution was carried by a majority of seven to four. It was contended on the part of the minority, and those members of the profession who do not belong to the Bristol Law Association, that agents had no right whatever to practise in the County Court, and that their admission had been detrimental to the interests of the public and the legal profession. Ultimately, his Honour decided on restricting agents for the future to cases under 40s., in which during the course of the past year it appeared that there had been upwards of 10,000 plaints heard. During the same time there were 1547 cases between £2 and £5, in 770 of which agents appeared.

Cheltenham.—Mr. Ansley Robinson, co-respondent in the suit of *Evans* v. *Robinson*, it is generally believed, has (says the *Cheltenham Looker-on*), "taken his departure for the Continent, so that Mr. Evans will probably derive no pecuniary advantage from the order he has obtained to compel him to pay his costs." The same paper says. "that the Lord Chancellor Cholmsford has called upon Mr. Robinson immediately to resign his appointment as a county magistrate, and so save himself from the indignity and disgrace of ejection."

Darlington.—A gentleman residing here, who had married his deceased wife's sister, has recently been openly expelled from the communion in the face of the whole congregation by the officiating minister of his parish, with the sanction, we sincerely regret to say, of the bishop of the diocese.—*Durham Chronicle.*

Halifax.—An action of a very peculiar nature was recently tried before J. Stansfeld, Esq., and a jury. Mr. J. B. Holroyde appeared for the plaintiff, and Mr. Blanshard, Barrister-at-law, for the defendant. The action was brought to recover the sum of £50 under the following circumstances:—Mr. Michael N. Carralli, the plaintiff, a Greek merchant, at Manchester and Glasgow, had rooms and looms at Queenshead, near Halifax, where he manufactured an article for the Turkish market named Zebra scarves. He employed as his manager a man named John Greenwood, and as bookkeeper a man named Hannam. In July last two bales of these goods were packed, and Hannam directed them to Mr. Carralli at Manchester, and they were handed to Greenwood to send off. However, the goods never reached Manchester, and after some weeks of investigation, it was found that the goods had been handed over to Mr. Alexander Nicholl, the defendant, manufacturer, of Sowerby-bridge, in consideration of a debt, arising from two dishonoured bills, owing by Greenwood to Nicholl. A search warrant was obtained, and the goods found on Nicholl's premises, and taken by the police. Greenwood

was then charged before the Halifax magistrates (under the Fraudulent Trustees Act) with embezzling the goods, and committed for trial at the sessions. Subsequently (within two or three months) Greenwood was charged with forgery, and committed for trial at York, found guilty, and sentenced to four years' penal servitude. He, therefore, was not tried for the embezzlement; and the goods remained in the possession of Mr. Radley, superintendent of police. This action was brought against Mr. Nicholl for the value of the goods. The defence was, that Mr. Nicholl had come honestly into possession of the goods, under the impression that they were Greenwood's; that he had not wrongfully converted them to his own use; and he had acted fairly in giving them up when the officer went. A great many cases as to the law of the question were cited. His Honour asked if Mr. Blanshard had any evidence beyond what had come out in examination, to show that Greenwood had any authority to dispose of Mr. Carralli's goods?—Mr. Blanshard admitted he had not, in the absence of Greenwood.—His Honour said, he asked with a view to save time, and he should be obliged to lay the fact before the jury that Greenwood really had no authority.—Mr. Blanshard said, he had no further evidence on that point; but he dwelt more particularly on the fact, that no intimation had been given to the public that Carralli had come into possession.—The defendant was, however, called, but his evidence did not alter the facts, and Mr. Blanshard relinquished the defence. A nominal verdict was given for £35, in order to carry costs, and it was ordered that defendant must give up the goods.

Another case, involving the liability of carriers, arising out of the same transaction, was tried. John Yates, common carrier, Queenshead, near Halifax, was summoned for 29*l.* 10*s.*, Mr. Carralli, Greek merchant, of Manchester, being plaintiff. On the 10th August a bale of manufactured goods was delivered to defendant to take to the railway station, at Halifax. On the way he was stopped by a man named Greenwood, in the employ of the plaintiff, who asked him for the bale, obtained possession of it, and it had not been seen since. This Greenwood has since been committed for trial at the sessions for fraud on Mr. Carralli; but before the trial came on he was charged with forgery, tried at York assizes, and sentenced to two four years' penal servitude. The defence set up was, that Yates was justified in giving up the bale to Greenwood (as Carralli's agent) under the circumstances, and seeing that Yates had been in the regular habit of receiving orders as to the disposal of goods manufactured at Carralli's place. His Honour expressed an opinion against the defendant, but Mr. Carralli, as it seemed a very hard case against defendant, agreed to lose half the amount.

LIVERPOOL.—On Monday last, the case of *Mather* v. *The Lancashire and Yorkshire Railway Company*, came on for hearing before J. K. Blair, Esq., Judge of the County Court. Mr. Squarey appeared for the plaintiff, and Mr. R. G. Williams represented the defendants. This was an action brought by Mr. Mather, of Bootle Hall, the holder of a contract ticket, to recover the sum of 2*l.* 2*s.* paid as railway fares. Plaintiff had taken a contract ticket between Liverpool and Marsh-lane station, on the defendants' railway, for twelve months, but having the misfortue to have his pocket-book, in which was his contract ticket, stolen from his pocket in October last, he applied to the company for a duplicate, which was, however, refused him. He accordingly paid his fare as an ordinary passenger to the end of the term for which he had contracted, and brought the present action to recover the amount paid under protest. After hearing the arguments for both sides, his Honour nonsuited the plaintiff on the grounds that, by the terms of the contract, he was subject to the same bye-laws as an ordinary passenger, and unless he had his contract ticket to show, he was bound, as such, to pay his fare, the company not being compellable to carry him without production of his contract.

NEWCASTLE. — *Cookson and Another* v. *M'Allum.* — This action, which was tried before J. B. Dasent, Esq., in the county court, was to recover the sum of 22*l.* 10*s.*, on the balance of account for goods sold and delivered. Mr. J. H. Ingledew appeared for the plaintiffs; Mr. Scaife for defendant. The plaintiffs are well known merchants, and the defendant is a broker. The debt was admitted, but the defendant pleaded a set-off of 55*l.* 12*s.* 3*d.*, being the amount of a verdict with costs obtained by him in an action heard in that court, in August last, against the plaintiffs. It appeared that the plaintiffs had given notice of appeal against the judgment obtained in the former action; but before the facts of the case to be submitted to the superior court could be agreed upon and signed by Mr. Losh, who tried the action, Mr. Losh died. They also paid the amount of the verdict and costs into court, and gave notice to the registrar not to pay it over to M'Allum. They then moved the Court of Common Pleas for a prohibition to stay proceedings upon the judgment; but the judges of the superior court declined to interfere, considering the application premature. The question now to be decided by the Court was, whether the judgment obtained in the former action was satisfied by the plaintiffs having paid the money into court, the appeal being undecided, and notice having been given to the registrar not to pay the money to the present defendant. Mr. Ingledew contended that the judgment was satisfied by paying the money to the registrar. Mr. Scaife, on behalf of the defendant, contended that the judgment remained unsatisfied, the plaintiffs disputing the judgment, and having paid the money into court, clogged with a notice of proceedings of appeal.—His Honour, in delivering judgment, said, he had looked into the authorities, and, in his opinion, the set-off pleaded by the defendant was not tenable, inasmuch as it was not a debt upon which the defendant could bring any action. A judgment to be a good set-off must be such a judgment as can legally be enforced; but the judgment pleaded in this action was not a final one, and not such a judgment as could be enforced. The plaintiffs had done all that was required of them, and by giving notice of appeal, and entering into the sureties pointed out by the Act, they had prevented the defendant from being able to act on his judgment. The set-off not being substantiated, judgment must be entered for the plaintiff for the full sum claimed.—Mr. Ingledew then applied that the plaintiff's costs be allowed, which his Honour granted. Mr. Scaife, on behalf of the defendant, intimated that he intended appealing against this decision, and asked for a stay of execution for fourteen days, which was granted. Mr. Ingledew then asked leave to be at liberty to move for a new trial in *M'Allum* v. *Cookson* on next court day, and referred to the practice in the superior courts, when a judge died before settling a bill of exceptions.—His Honour granted leave accordingly.

PORTSMOUTH.—*The London and South Western and Brighton and South Coast Railway Dispute.*—At the petty sessions at Havant, on Wednesday, a case came on for hearing, arising out of the dispute between these companies as to the right of the former to run their trains over that portion of the Brighton Company's line which extends between Havant and the Hilsea redoubt. It will be remembered that a disturbance recently took place at Havant between the employés of the two companies, in consequence of an attempt being made by the South Western Company to run through to Portsmouth per force, and despite the resistance offered by a number of labourers, under the direction of the officials of the Brighton railway. Summonses had been taken out against two of the parties, by authority of the latter company, one for assault, and two for obstructing the agents of that company while in the execution of their duty. The cases came on for hearing, as before stated, on Wednesday, Mr. Roupell appearing on behalf of the Brighton, and Mr. Addison, Q.C., on behalf of the South Western Company. The case of assault was the only one proceeded with, and the bench fined the defendant, Mr. Ogilvie, the contractor of the Portsmouth line, 1*s.* and costs. The other cases were withdrawn.

WARWICKSHIRE.—A writ of ejectment has been served upon Lord Leigh, in respect of the Stoneleigh estates, at the instance of Thomas Leigh, of Darwen, and Thomas Leigh, of Haigh. The case, we are informed, will be tried at the next Warwick assizes.—*Manchester Examiner.*

Communications, Correspondence, and Extracts.

ACKNOWLEDGMENTS OF DEEDS OFFICE.

To the Editor of THE SOLICITORS' JOURNAL & REPORTER.

SIR,—It is not easy to understand why purchasers should be kept waiting so long as a month after filing certificates of acknowledgment of purchase deeds by married women, before they can obtain the office copy, the latter being a very short document, on a little printed form, which it occupies only about five minutes to fill up. In fact, there seems no reason why there should be the delay of more than a day, or even why the copy should not be given out at the time of the original being approved and filed. If the staff of the filing office be not sufficient for the work, surely it is better that an extra clerk should be taken, than that hundreds of purchasers should have

their purchase transactions kept in an unfinished state for a whole month, as is now the case.

There seems no good reason either for so high a charge as 2*s.* 6*d.* for the office copy, since copies in other public offices are made at 4*d.* per folio; and surely, after receiving a fee of 5*s.* for filing, the custodian of these documents ought to be able to give out copies at the same charge as other offices, where less, or even nothing, is paid upon the filing.

Formerly, too, the office copies of these certificates used to be on parchment, which the officials a few years since reduced to paper, without, however, making any diminution in the charge.

I would venture to suggest, therefore, that the office copy certificate should in future be ready to be delivered out on the day after filing the original, and that the charge for it should not exceed 1*s.*—I am, Sir, your obedient servant,

Feb. 2, 1859. A Solicitor.

PROFESSIONAL COSTUME.

To the Editor of The Solicitors' Journal & Reporter.

Sir,—Pursuant to the wish expressed by the learned judge of our county court, that the attorneys practising before him should wear robes, some twenty of them appeared before him on Tuesday last all in black gowns, but some with and some without white neckties and bands.

Upon the judge being asked his opinion whether the latter addition was expected or not, he was understood to leave it to the individual members of the profession to adopt it or not at discretion, but rather intimated that it was not a necessary appendage.

As, however, a difference of opinion exists on the subject, you, Sir, or some of your readers, may perhaps be able to throw some light on the subject, and if so, please to give *authority* for the advice given.

It is said that attorneys are strictly entitled to wear *a wig, but one without tails!*.—I am, Sir,

Bristol, Feb. 3. One, &c.

[We believe that a white necktie and bands are the correct accompaniments of a gown. They have been worn from time immemorial in our universities on all public occasions, such as taking of degrees, &c., and the academical costume is not considered complete without them. Any person presented at court in the costume of a gown, and several classes besides her Majesty's Counsel have this right, must also wear bands. It is desirable that the advocates attending any county court where gowns are worn, should agree on the point, and we think that authority and precedent are decidedly in favour of bands. —Ed. *S. J.*]

THE INCENTIVES TO CRIME PRESENTED BY MARINE STORE DEALERS, AND HOW TO REPRESS THEM.

Read before the Liverpool Meeting of the National Association for the Promotion of Social Science. By T. C. S. Kynnersley, *Stipendiary Magistrate at Birmingham.*

In a paper which was read before the Association, on the 4th May last, I endeavoured to point out the evils arising from the facility with which articles of stolen property, especially small portions of metal, are disposed of to marine store dealers, and the want of some general legislation which would impose a check upon their dealings, and render the punishment of guilt more easy.

I mentioned, that, in the Metropolis, Liverpool, and other large towns, there are local Acts which place "brokers, marine store dealers, and other dealers in second-hand goods," under some sort of restraint, and that in all sea-port towns the Merchant Shipping Act (17 & 18 Vict. c. 104) imposes upon them even more stringent regulations, obliging them to register in a book, which is at all times open to the inspection of the police, a description of the particular article purchased, and of the vender, the time of its purchase, and the price paid for it, and forbidding them to buy from children, or at unseasonable hours; but that in Birmingham, and generally in all market towns and country places, the only method of punishing the guilty receiver of stolen goods (whatever may be his trade or calling) is by the cumbrous process of an indictment, in which there is always so great a difficulty in obtaining a conviction, that I was not surprised to hear from the Rev. W. Hatch, that, since he had been Chaplain at Wandsworth, among thousands of prisoners, a marine store dealer was rarely to be found.

I stated that a Bill had been prepared for the Chamber of Commerce, in Birmingham, which should be of general application, embodying those clauses of the different local Acts, and of the Merchant Shipping Act, which appeared most likely to meet the evil; and I also suggested a provision, which I thought might be inserted in the Consolidated Larceny Act, giving a power of dealing with persons who purchased stolen property, not actually with a guilty knowledge, but under circumstances which afforded a reasonable ground for believing it to have been dishonestly obtained.

The Parliamentary session, however, passed away, and nothing was done in the way of legislation. The evil is a fearful one, as all who are connected with criminal courts, or who are themselves engaged in dealings with metals, know perfectly well. There is hardly any phrase, the truth of which is more generally admitted than this, "If there were no receivers there would be no thieves." There is nothing which acts so directly as an incentive to crime as the knowledge that it can be committed with impunity. When an old thief is endeavouring to persuade a boy employed in a manufactory to purloin the metal which is intrusted to him, or on which he can easily lay his hands, there is no argument so powerful as this, "You can't be found out. There is a convenient shop at hand where the plunder may be readily disposed of, without any question asked. You will get the money at once, and if you keep your own counsel no one will know anything about the matter."

I will not dwell upon the existence or extent of the evil further than is necessary for the purpose of suggesting a remedy.

The evil is, that there is a class of men to be found in every town who are ready to buy from any person who comes to the door, at any hour of the day or night, any article they choose to offer for sale, without asking where it came from, or how he got it. A melting-pot or crucible is always ready, into which the gold, or silver, or brass, or copper, is instantly plunged, and all trace of identity is at once gone. Iron and lead are simply broken up, cut, or defaced. Even if this is not done—if the stolen articles themselves are found concealed under a bed, or in a stable, or a garden, there is a wife, and there are children and servants about the place, any of whom may have purloined them, and all of whom deny all knowledge of them; so that the mere fact of the stolen property being found on the premises is of little avail. Perhaps the thief, a mere child, is found actually dealing with the keeper of the shop; but the goods are not absolutely reduced into his possession, or the price is not agreed upon, or it is not so much below the value as to afford conclusive proof of "guilty knowledge." Perhaps the thief, on being detected, subsequently to a sale or transfer, is willing to give evidence against the receiver; but there is no corroborative testimony to support his statement, and so, after the case has been heard by the magistrate, the marine store dealer is told that "it is one of grave suspicion, and that he had better be more careful in his dealings for the future;" and, for the ninth or tenth time, he retires triumphantly from the dock, and walks forth a free man, though there is not an individual in court who has the slightest doubt of his guilt.

Now I think no one can doubt that some new mode of dealing with cases of this description is urgently required, and I earnestly hope and trust that we shall not see another session of Parliament pass over our heads without witnessing the removal of so great an imperfection in our criminal law.

I believe a general Bill for the regulation of shops kept by marine store dealers, brokers, and dealers in second-hand goods, will be introduced into Parliament early in the next session; but it seems to me that what we want is the general adoption of a principle to be found in the 24th, 26th, and 27th sections of the Metropolitan Police Bill, 2 & 3 Vict. c. 71—viz.* that the bare possession of stolen property, unaccounted for, shall be made criminal, and punishable with heavy fines and imprisonment.

There may, probably, be an unwillingness in some quarters

* Sect. 24. Every person who shall be brought before a magistrate charged with having in his possession anything which may reasonably be suspected of being stolen or unlawfully obtained, and who shall not give an account to the satisfaction of the magistrate how he came by the same, shall be deemed guilty of a misdemeanour, and shall be liable to a penalty of £5 (or two months imprisonment).

Sect. 26. If a person is found in possession of stolen goods, and is brought before a magistrate, and it appears to such magistrate that such person had reasonable cause to believe the same to have been stolen or unlawfully obtained, every such person shall be deemed guilty of a misdemeamour—penalty, £5 (or three months imprisonment).

Sect. 27. If any goods shall be stolen or unlawfully obtained, and complaint be made to a magistrate that such goods are in the possession of any broker, dealer in marine stores, or other dealer in second-hand property, or of any person who shall have advanced money on the credit of such goods, the magistrate may issue a summons or warrant for the apprehension of such broker, and for the production of such goods, and order such goods to be delivered up to the owner either without any payment, or on payment of such sum as the magistrate may think fit.

to invest magistrates with so much additional discretionary power; but I confess I think the presence of lynx-eyed reporters and solicitors, and the large body of spectators and audience, which is usually to be found in police-courts and petty sessions in these days, afford a very tolerable security against the influence of prejudice or partiality in magistrates. If, however, it is thought that every man, though he is a marine store dealer, should have the benefit of trial by jury, by all means let him have it, if he pleases; in which case there might be an indictment preferred, as at present, for receiving stolen goods, &c., and it might be declared, by statute, that the fact of purchasing from children, or except between certain specified hours, or of melting, or defacing, before a certain period after purchase, should be declared conclusive evidence of guilty knowledge; or the jury might have a power of negativing the "guilty knowledge," and convicting, upon the same indictment, of "receiving, having at the time reasonable cause to believe the property to have been stolen," and the punishment might be still fine or imprisonment.

I really believe that either of these modes would be a great discouragement to a most pernicious class of criminals; and I beg very respectfully to submit them for the consideration of the Association, with a hope that, if they are approved, those who have influence will exert it to obtain for them the sanction of the Legislature.

Societies and Institutions.

LAW AMENDMENT SOCIETY.

A special meeting of the society took place on Saturday last, at half-past one o'clock; the Right Hon. Sir James Stephen, K.C.B., in the chair.

Mr. Chadwick read a letter from Mr. J. Stuart Mill, fully approving of his (Mr. Chadwick's) paper, and regretting his inability to be present.

Mr. Chadwick then read his paper on the methods of legislation by open commissions of inquiry, or by the close cabinet method, especially as applicable to the Reform of Parliament. He commenced by stating that his attention had first been called to this subject at the time of the announcement of a second Reform Bill by Lord John Russell, when he was consulted as to the organization of a commission of inquiry by various persons who were anxious, before proceeding to further legislation, that all the doubtful matters of fact connected with the question should be cleared up. No doubt, it would be said that all the facts needing consideration in the preparation of a Reform Bill were already sufficiently notorious; but in other cases in which the same argument had been urged, the effects of commissions of inquiry had been to reverse every main principle, and almost every assumed chief elementary fact, on which the general public, Parliamentary committees, and leading statesmen, were prepared to legislate. The questions of pauperism and poor law administration; of crime and penal administration; of pestilence and sanitary legislation; and of the evils attendant on excessive manufacturing labour; were conspicuous instances of this reversal; and there must be many material facts connected with the working of the last Reform Bill which were not at present any better ascertained. An inquiry of some kind, therefore, must be presumed to be necessary; and the question for consideration was, how this inquiry was to be made—whether by the close Cabinet, a Parliamentary committee, or an open commission. With regard to the first method, Lord John Russell, in his evidence before the Committee on Official Salaries, had complained that it was rather a defect in our Government that few of the ministers could spare time enough from the duties of their offices to give attention to a great subject; and since 1850, when this evidence was given, the leisure which was left after the performance of the settled and routine ministerial duties had greatly diminished, while the subject matters necessary to be examined, and the time required for the preparation of new measures, had greatly increased. It might be assumed, therefore, that the Cabinet had not the power of inquiring into new facts; and the basis of a measure prepared exclusively by the Cabinet must necessarily be limited to the facts already known to two or three members of it forming the committee to whom the question was confided. However fairly intended, measures affecting varied conditions of men, so prepared, must be narrow and partial, and would, moreover, be exposed to the charge of unfairness. There could be no certainty as to the reception they would meet with, except, indeed, they were framed in conformity with "public opinion," which Mr. Chadwick defined to be commonly the opinion of newspaper writers. Quoting a remark of Thomas Carlyle in reference to the late Mr. Sterling, that he "played the conjuror very much," having to enunciate "365 opinions every year on every subject," Mr. Chadwick proceeded to argue that such an opinion, which must be the result of the most fragmentitious attention to a multiplicity of questions, would afford the most unsafe basis of legislation. Though an inquiry by a Parliamentary committee would be fuller and more complete than any which the members of a Cabinet could make, yet still it shared, in a lesser degree, the inconvenience of having been conducted under the pressure and distraction of Parliamentary duties. It had often occurred that committees which had gone more deeply than usual into a question, had concluded by acknowledging their own inability to go sufficiently deep, and had recommended the appointment of a commission which could give a protracted and undivided attention to the subject. The open method of inquiry by commission, besides giving the best facilities for ascertaining facts, would bring to light, as no other investigation could, the state of opinion and information in every nook and corner of the kingdom. Mr. Chadwick, in proof of this, instanced the Poor Law Commission and the Constabulary Force Commission, which, by queries circulated all over the kingdom, and the oral examination of persons in all ranks of society, collected a mass of information on the subjects in hand which could not have been got at in any other mode. The publication, too, of the report of the commission, which must be regarded as a quasi judicial document, with the evidence, would have a great effect on the public mind, and would denude the question of all party attributes. Opposition would be disarmed by the display of facts and reasons required to be grappled with; and members of the House of Commons who acted less on their own views than on the promptings of their constituents, would be able thus to judge of the form and extent of any probable opposition or support, and to shape their course accordingly. Mr. Chadwick quoted from an article in the *Edinburgh Review* for July, 1857, to show that at present a very low state of information prevailed in the country as to the complicated nature of this question of Parliamentary reform, and argued thence that as legislation prepared on the close cabinet system must be in accordance with this imperfect information, the more politic course would be by an open commission of inquiry to bring public information to that state of maturity which the subject demanded. Among the points connected with this question demanding elucidation might be enumerated the failure of recent legislation to put down bribery and corruption; the refusal of large masses of voters in great constituencies to exercise the franchise; the extent to which the education franchise might be conferred; whether the possession of a certain amount in the savings-bank ought to entitle a man to a vote; the effect of the present large electioneering expenses in keeping able men out of the House of Commons, and the means of reducing those expenses, which a commission could alone satisfactorily investigate. Adverting to the proposal of Earl Grey to appoint a committee of Privy Council to prepare a measure of Parliamentary reform, Mr. Chadwick argued, that though such a committee might be very usefully employed in settling issues to be inquired into, it could not be possessed of the machinery for conducting the inquiry, which must be to a great extent local. In conclusion, Mr. Chadwick disclaimed any intention of offering any opinion on the subject matter for examination, in respect to which he himself required further opportunities for investigation. His only object was to call attention to the extreme inexpediency of looking for the preparation of measures of the highest magnitude to what must be practically the weakest kind of preparation—namely, preparation by officers so intensely pre-occupied that, according to Lord John Russell, "there are few of them who can give their attention to a great subject, and look at the consequences to the country of the measures that are adopted."

The Chairman thought Mr. Chadwick deserved great credit for denouncing one of the commonest but most dangerous sins of our day—the habit of acting on incomplete knowledge. It was often asked, why social science made such slow advance in comparison with the progress of physical science, but the answer was obvious. Those who taught the laws of the material world never advanced to a conclusion until after the most exhaustive scrutiny, while those who addressed us with respect to the well-being of the commonwealth were continually arriving at broad conclusions in the most incredible ignorance of the grounds from which alone true conclusions could be deduced. Constitutional liberty was, no doubt, an inestimable advantage, but we paid a very high price for it. It was usually said to consist in the submission of the Legislature and the executive Government to the control of public opinion. But what was

public opinion? How could it be ascertained, or how could the true be distinguished from the spurious? Of all the idola tribus there was no oracle so difficult of access; none so easily confounded with meaner voices. The hierophants of this mysterious power defined it to be the deliberate judgment of the great majority of the people on all such questions as affected the people themselves. On all such subjects it was said the judgment of Demos must be authoritative and conclusive, or there was no constitutional liberty. But the true value of that judgment must depend upon the extent of his knowledge; and from what sources could Demos gather his knowledge? It was chiefly from newspapers and platform addresses, from neither of which could accurate and satisfactory information be obtained. As it was now proposed that the powers of Demos should be considerably increased, and the opportunities for exercising them multiplied, he ought to know something of the natural history of an Act of Parliament. His teachers should inform him that it was a paradoxical plant, in whose creation three progenitors must agree—the Government, the draughtsman, and the three estates of the realm. The legislative functions of the Government were a novelty introduced within the last few years. They were unknown to the De Lolme and Blackstone constitution. After the peace of 1815 the Administration began to hold their offices on the condition of making annually some notable additions to the statute book. Between February and July public opinion demanded that the ministry for the time being should carry three or four considerable measures, on pain of resignation. If this punishment were inflicted, the House of Commons decided which of the leaders should have the task of forming a new Administration, a task which was by no means easy. In the first place, none could be appointed to office who were not members of Parliament. They must be rich enough to sacrifice all other pursuits, and they must be able to express themselves in public with ease and propriety. Thus, if a prime minister had thirty offices to fill, he rarely had more than about sixty persons from whom to choose—and yet out of these he was expected to find one man who was perfectly acquainted with all the ramifications of our foreign relations; another who had made naval administration his study; another who had colonial affairs at his fingers' end; a fourth who was thoroughly up in military matters; a fifth who was fitted to govern the vast empire of India; and so on. But, supposing the Government formed, then came the work of legislation. A certain question called for legislation. It was referred to the head of the department in the scope of which it came, and possibly the popular belief might be, that on that reference the head of the department would sit down at his desk and draw up an abstract of what ought to be done. But the process was very different, and perhaps nothing would illustrate it better than an instance drawn from his own personal experience. When Mr. Huskisson was President of the Board of Trade, an abridgment of customs law, which then filled a thick quarto volume, was called for. Mr. Deacon Hume was summoned from the Custom House of London, and desired by the Minister to undertake the duty. He began by taking a lodging in Parliament-street, exiled himself from his family, and disappeared from mankind for many months. At the end of that time he returned with a small octavo volume, containing about as many words as a common number of *Blackwood*, but embodying all that he thought worth preserving in our customs law. Mr. Huskisson took charge of it, preserved it from so-called amendments in the House of Commons, and just as it came from Mr. Hume's pen the statute passed into law. So much for two of the progenitors of an Act, the Government and the draughtsman. There remained the third—the three estates of the realm. Sometimes when a Bill got into Parliament it was sent to a committee up stairs; but from the constitution of this tribunal, and the limited means of inquiry, its judgment could never be thoroughly satisfactory. For instance, in 1828 the affairs of Canada were referred to a select committee of the House of Commons, which sat long, heard much, and did nothing. Seven years later occurred the Canadian rebellion, and then a commission was sent out under Lord Durham, which recommended the very identical course of action which he himself (Sir J. Stephen) had in vain pressed on the committee seven years before in the course of a protracted examination. Those recommendations were then adopted, and perfect tranquillity had followed; but Parliament was unable to see the policy of them until Lord Durham's local inquiry had taken place. But if a Bill were not sent up stairs, so much of importance was lopped off, so much that was foreign engrafted on it, and its author had to submit to so many compromises to bring it alive through committee, that the Royal assent frequently sent it into the world in a shape which was certain to produce very different results to those which were originally contemplated. In the French Ordonnances des Rois there were certain passages with respect to the Conseil d'Etat, from which it was evident that the devising and arrangement of the laws previous to their enactment was one of the chief duties of that body. Every paragraph of the Code Napoleon was gone through and debated in this manner before it was passed into law. Some such committee would be of great use in this country, if it attached to itself assessors on all the several subjects on which the members themselves had no special knowledge. Any one who was old enough to remember the anticipations amid which the Reform Bill of 1832 was passed, must admit that all the prophets, whether they prophesied pleasant things or evil things, were alike wrong. They were wrong, because they mistook their scanty knowledge for complete knowledge, and the prophets of 1859 did not seem to be taking any trouble to remove this reproach; they did not seem to see a bit more clearly to the end of the dark and most momentous road on which they were entering. If we were to have a Reform Bill at the mandate of public opinion, we ought to have a commission to hear what public opinion had said or had to say for itself on the matter. It was strange that all our institutions were to be at the mercy of one voice, and that the utterances of that voice had not so much as one authoritative reporter.

Mr. VAUGHAN said, that the object of the paper which had just been read, and of the address of the Chairman, was to put the British constitution in commission. When, some time ago, it was proposed by a member of the House of Commons to refer the consideration of a Reform of Parliament to a select committee of the House, the proposition was regarded as ludicrous, and met with the derision it merited; but now a proposition of a character still more ludicrous had been gravely laid before the society, in the elaborate paper which had been read by Mr. Chadwick, by which the reform of the constitution was to be submitted to the "quasi-judicial" investigation of a body of itinerant commissioners, who were to suggest such questions as they thought expedient, and frame such a report as should, in their estimation, prove a satisfactory basis for further legislation. Mr. Vaughan expressed his dread of all commissions; in his opinion they were always costly; they might be partial and they were certainly irresponsible. Their conclusions were often acquiesced in by the public without sufficient examination. He then proceeded to discuss the arguments contained in Mr. Chadwick's paper. He contended that no commission was required to ascertain the qualifications for the franchise of the savings'-bank depositors; that if information were needed, it was of a definite character, which could be obtained by the Government, or by a Parliamentary committee, by the employment of the same machinery as had been adopted by the Poor Law Commissioners. Questions might be sent to the local authorities, and those connected with the savings' banks in various parts of the country, to collect information, if any were really required, without the interposition of the services of a paid commission. So with regard to the existence of bribery and intimidation; no commission was required to establish that which was perfectly notorious. The facts were found, and were not disputed. What was required was a remedy, upon which, however, he thought no one would be prepared to accept the decision of a commission. Nor was inquiry by a commission needed to explain why so large a number of the electors apparently abstained from any serious part in election contests: deaths, sickness, absence from home, and removals, would account for a considerable number. Then double, or even treble qualifications, had to be abstracted from the gross number on the register, by which the actual number of voters was still further reduced; and out of these many abstained when their favourite candidate was in so large a minority as induced a belief that he could not succeed. Mr. Chadwick's reasoning, therefore, did not sustain his proposition. Mr. Vaughan concluded by expressing his dissent from the views propounded by the Chairman respecting the imperfect information of Demos.

Mr. HASTINGS said, that it would be impossible to consider the able paper read by Mr. Chadwick as foreign to the objects and business of the society. The amendment of the law was essentially a question of legislation, and everything that threw light on the present defects in the mode of conducting legislative business, or which tended to remedy those defects, was an object of legitimate interest to the Law Amendment Society. But while agreeing with Mr. Chadwick's arguments as to th necessity for inquiry preceding legislation, and in the general principles which were stated in the paper as to the proper mode of inquiry, he could not agree in the applicability of those arguments and principles to the particular subject which Mr.

Chadwick referred to. Commissions to inquire and report had often been of great use; two especial instances had come under his own observation. The Commissioners on Mercantile Law had collected an amount of experience and knowledge which could hardly have been obtained in any other way, and their report had been followed by some valuable legislation, and would probably bear further fruit. The inquiry, by Royal Commission, into the condition of the inns of court produced an admirable scheme for a Law University, which would be carried into effect as soon as we had a Lord Chancellor who thought legal education worth his attention. He did not, therefore, undervalue commissions, but he did doubt the expediency of applying them to such a question as that of Parliamentary Reform. It was impossible to believe that when men's minds were roused, and their blood heated by a political conflict, they would consent to bend their opinions to the voice of a commission, and to follow the elaborate arguments arrayed in a blue book. He was extremely glad to hear the allusion, by the Chairman, to the mode of preparing Bills. At present it was too much the custom to entrust the preparation of most important measures to individuals selected by private patronage; Bills were consequently prepared in secret, reflecting mere private opinions, and were then pertinaciously defended by the Government as a point of honour in the House. Such proceedings should be, once for all, abandoned, and all measures of importance should be openly prepared on free inquiry, and based, as far as possible, on public opinion. The present aspect of Bankrupt Law Amendment afforded a striking illustration. A Bill had been prepared by a body of mercantile men, under the auspices of the National Association. It had been carefully considered; it was the result of wide experience; it represented a large amount of public opinion. But what course did the Government follow in regard to it? Having declined to adopt the Bill, and resolving to bring forward a measure of their own, they were preparing that measure by means of a secret committee of three in the Cabinet, each one of the three being already burdened by official duties, and with the assistance of a very respectable barrister of Lincoln's-inn, who was to sit in his chambers and ignore the mercantile public. He (Mr. Hastings) hoped and believed that the time was at hand when the nation would no longer permit such a method of legislation in matters involving the interests, prosperity, and happiness of millions.

Mr. CHADWICK shortly replied.

Lord MONTEAGLE proposed a vote of thanks to the Chairman, which was carried unanimously.

The next general meeting of the society will be held on Monday next, at 8 o'clock. A paper by Mr. J. J. Dempsy, on Coroners' Courts, will be read.

MANCHESTER LAW STUDENTS' SOCIETY.

The annual meeting of this society was held on Thursday evening, Jan. 27, at the Waterloo Hotel. Mr. Hawkinson, solicitor, occupied the chair. Amongst the members present were Messrs. Farrington, J. Taylor, Sword, Pankhurst, Smith, &c. The report was read by R. M. Pankhurst, Esq., the honorary secretary, and adopted. The treasurer's statement was presented and passed, and officers for the ensuing session elected. Subsequently, the members sat down to an excellent dinner. After the usual loyal toasts, the Chairman proposed "The Manchester Law Students' Debating Society," to which the Hon. Secretary responded. The Vice-Chair gave "The Legal Profession," which was acknowledged by Mr. Richardson, solicitor. Mr. Smith proposed "The Manchester Law Association," to which Mr. Wharton, solicitor, responded. "The Articled Clerks of Manchester and the neighbourhood" was then proposed, and responded to by Mr. Sword. Mr. H. Taylor gave "The Officers of the Society," which was acknowledged by Mr. Farrington. Other fitting toasts brought to a conclusion a very pleasant evening.

BIRMINGHAM LAW STUDENTS' SOCIETY.

The twelfth annual meeting of this society was held on Friday evening, the 28th of January, at the Hen and Chickens Hotel. The chair was occupied by T. C. Sneyd Kynnersley, Esq., and amongst the members present were Professor Johnson, Messrs. H. W. Tyndall, W. S. Allen, J. Marigold, J. Walford, S. Balden, jun., J. Chirm, G. F. James, T. Horton, Fereday, Millward, &c. The President commenced by reading a very interesting address, congratulating the members on the prospect of attaining an honourable profession, and at considerable length described the duties, privileges, and position of attorneys, in connection with our courts of law. The address, which contained much valuable information, and many important maxims for the use of students, was listened to with great attention; and we regret very much that want of space will not admit of its insertion in our columns. After several resolutions had been passed, a vote of thanks was awarded to the Chairman, which was briefly acknowledged, and the meeting terminated.

Law Students' Journal.

We could not advise an "Articled Clerk," who has addressed us this week, to rely on any chance of obtaining immunity from the common law part of the examination. It is not our present intention to publish answers to the examination questions.—ED. *S. J.*

LAW SOCIETY'S LECTURES.

J. W. SMITH, Esq., on Conveyancing; Feb. 7, at 8 o'clock.
F. O. HAYNES, Esq., on Equity; Feb. 11, at 8 o'clock.

Sheriffs appointed for 1859.

ENGLAND.

Bedfordshire.—Richard L. Orlebar, of Hinwick, Esq.

Berkshire.—Charles Philip Duffield, of Marcham Park, near Abingdon, Esq.

Bucks.—Thomas Tyrwhitt Drake, of Shardeloes, Esq.

Cambridgeshire and Huntingdonshire.—John Dunn Gardner, of Chatteris, Esq.

Cumberland.—Gamel Augustus, Lord Muncaster, of Muncaster Castle.

Cheshire.—Arthur Henry Davenport, of Capesthorne, Esq.

Cornwall.—John Tremayne, of Heligan, Cornwall, Esq.

Derbyshire.—The Hon. Edward Keppel Wentworth Coke, of Longford.

Devonshire.—John Henry Hippesley, of Shobrook Park, Esq.

Dorsetshire.—James Fellowes, of Kingston House, Esq.

Durham.—Sir William Aloysius Clavering, of Greencroft, Bart.

Essex.—Champion Russell, of Upminster, Esq.

Gloucestershire.—John Coucher Dent, of Sudely Castle, near Winchcombe, Esq.

Herefordshire.—Richard Yapp, of the Halesend, Cardley, Esq.

Hertfordshire.—Martin Hadsley Gosselin, of the Priory, in Ware, Esq.

Kent.—Sir Richard Tufton, of Hothfield Place, near Maidstone, Bart.

Lancaster.—Sir Robert Tolver Gerard, of Garswood, Bart.

Leicestershire.—William Bosworth, of Charley, Esq.

Lincolnshire.—Charles Thomas Samuel Birch Reynardson, of Holywell, Esq.

Monmouthshire.—Edward Matthew Curre, of Itton Court, Esq.

Norfolk.—Hambleton Francis Custance, of Weston, Esq.

Northamptonshire.—The Hon. Charles Henry Cust, of Arthingworth.

Northumberland.—Henry Silvertop, of Minster-acres, Esq.

Nottinghamshire.—Henry Sherbrooke, of Oxton, Esq.

Oxfordshire.—George Gammie, of Shotover-house, Esq.

Rutland.—Edward Henry Cradock Monckton, of Seaton, Esq.

Shropshire.—Charles Orlando Childe Pemberton, of Millichope-park, Esq.

Somersetshire.—Edward Berkeley Napier, of East Pennard, Esq.

Staffordshire.—William Davenport, of Maer, Esq.

County of Southampton.—Robert Vaughan Wynne Williams, of Appuldercombe, in the Isle of Wight, Esq.

Suffolk.—John George Sheppard, of Campsey Ash, Esq.

Surrey.—Sir Walter Rockliff Farquhar, of Polesden, Leatherhead, Bart.

Sussex.—William Henry Blaauw, of Beechlands, Newick, Esq.

Warwickshire.—Sir George Richard Phillips, of Weston-house, Bart.

Westmoreland.—William Moore, of Grimes-hill, Kirkby Lonsdale, Esq.

Wiltshire.—John Neilson Gladstone, of Bowden-park, Esq.

Worcestershire.—Walter Charles Hemming, of Bewdley, Esq.

Yorkshire.—Sir Lionel Milborne Swinnerton Pilkington, of Cheviot-park, near Wakefield, Bart.

WALES.

Anglesey.—H. Owen Williams, of Trearddur, Esq.

Breconshire.—John Maund, of Tymawr, Esq.

Carnarvonshire.—John Lloyd Jones, of Broom-hall, Esq.

Carmarthenshire.—Richard Jennings, of Gellydêg, Esq.

Cardiganshire.—William Price Lewis, of Llysnewydd, near Newcastle Emlyn, Esq.

Denbighshire.—Thomas Lloyd Fitzhugh, of Plas Power, Wrexham, Esq.

Flintshire.—Philip William Godsal, of Iscoyd-park, Esq.

Glamorganshire.—Charles Crofts Williams, of Roath Court, Esq.

Montgomeryshire.—Edward Morris, of Berth Lloyd, Esq.

Merionethshire.—Hugh John Revley, of Brynywin, Esq.

Pembrokeshire.—William Owen, of Poyson, Esq.

Radnorshire.—James Watt Gibson Watt, of Doldowlod, Esq.

Court Papers.

House of Lords.

Session 1859.

CAUSES STANDING FOR HEARING.

Set down in Session 1854-5.

Exchequer Chamber, England. — Salomons v. Miller (In Error).

Set down in Session 1856.

Chancery, England. — Bennett v. Turquand (Official Manager of the Camerons Coalbrook Steam Coal and Swansea and Loughor Railway Company).

Set down in Session 1857.

Chancery, Ireland. — Rutledge et al. v. Rutledge and Another.

Set down in Session commencing April 30, 1857.

Chancery, England. — Thellusson v. Robarts et al.; ex parte as to Arthur Thellusson (in part heard).

" — Hon. A. Thellusson v. Robarts et al.; ex parte as to T. R. Thellusson (in part heard).

Scotland. — Scottish North Eastern Railway Company v. Sir W. D. Stewart, Bart.

" — Kyle et al. v. Jeffreys and Another (Bill of Exceptions).

Chancery, England. — Anderson v. Robinson.

" — Williams v. Lewis et al.

Scotland. — Bartonshill Coal Company et al. v. Wark.

Chancery, England. — Hoare et al. v. Dresser and Another; ex parte as to Johann Norrbom.

Scotland. — Galbraith et al. v. Edinburgh and Glasgow Bank et al.; ex parte as to certain Respondents.

Chancery, England. — Slingsby v. Grainger et al.

" — Smith v. Kay.

Exchequer Chamber, England. — Bristol and Exeter Railway Company v. Collins (appeal upon a case stated by the parties, pursuant to Act).

" — Chasemore v. Richards, Clerk, &c. (in Error.)

Chancery, England. — Lord Kensington v. Bouverie et al.; ex parte as to certain Respondents.

Exchequer Chamber, England. — Doe (on Demise of Evers and Others) v. Challis (Writ of Error).

Set down in Session 1857-8.

Scotland. — Russell and Son v. Gillespie and Husband.

" — Gillespie and Husband v. Russell and Son, et à contrà.

" — Stewart (or Paterson) and Another (Paupers) v. Cates (or Rae Wilson) et al.

Chancery, Ireland. — Greville v. Brown.

" — The Marquess of Donegal v. Layard, ex parte.

Scotland. — Addie and Miller v. Lennan, ex parte.

Chancery, England. — Hopwood and Another v. Hopwood et al.

" — Sir William A. Clavering, Bart., v. Ellison, et al.

Chancery, England. — Imperial Gas Light and Coke Company v. Broadbent.

Scotland. — Johnston v. Johnston.

" — Commercial Bank of Scotland v. Rhind.

Exchequer Chamber, Ireland. — Lord Waterpark v. Fennell (in Error).

Chancery, England. — Sir Isaac L. Goldsmid, Bart., and Another v. Cazenove et al. (Appeal on a Special Case pursuant to Act).

Scotland. — Glasgow, Barrhead, and Neilston Direct Railway Company v. Caledonian Railway Company et al., ex parte as to certain Respondents.

Exchequer Chamber, England. — Professional Life Assurance Company v. Sheehy (in Error).

Scotland. — Duncan v. North of Scotland Banking Company and Another.

Exchequer Chamber, Ireland. — Rorke v. Errington (in Error).

Chancery, England. — Abbiss et al. v. Ware et al. Ex parte as to certain Respondents.

Exchequer Chamber, England. — Eastern Counties Railway Company and London and Blackwall Railway Company v. Marriage (Appeal upon a Case stated by the parties, pursuant to Act).

Exchequer Chamber, Ireland. — Beamish v. Beamish (in Error).

Chancery, England. — Hon. Richard Hare et al. v. Robarts et al. Ex parte as to certain Respondents.

Exchequer Chamber, Ireland. — Butler v. Viscount Mountgarrett (in Error).

Exchequer Chamber, England. — Young v. Billiter (in Error).

" — Ewart v. Sir J. R. G. Graham, Bart. (in Error).

" — Wheatcroft v. Blackwell and Another (in Error).

Court of Probate, England. — Dolphin v. Robins and Another. (To be heard early this Session.)

Exchequer Chamber, England. — Rowbotham et al. v. Wilson (in Error).

Chancery, England. — Wing v. Angrave et al. Ex parte as to Richard Angrave.

Exchequer Chamber, England. — Smyth v. The Queen, on the prosecution of the Mayor, &c., of Bristol (in Error).

Scotland. — Kerr v. Wilkie and Another. Ex parte.

Chancery, England. — Ashton and Another v. Horsfield and Another.

Scotland. — Ewing v. Crawford (or Ewing) et al. Ex parte.

" — Wrychte (Official Manager of the Royal Bank of Australia) v. Lindsay et al. Ex parte as to certain Respondents

" — Orr et al. v. Glasgow, Airdrie, and Monklands Junction Railway Company et al.

CAUSES FULLY HEARD.

Scotland. — Edinburgh and Glasgow Railway Company v. Provost, &c., of Linlithgow. (To be fully re-heard).

" — Gammell et al. v. Her Majesty's Commissioners of Woods, &c., and the Lord Advocate for Scotland.

Claims of Peerage, and Claims to Vote for Representative Peers for Ireland, depending.

De Scales Peerage.	Berkeley Peerage.
Nithsdale Peerage.	Dunboyne Peerage.
Lord Inchiquin's Claim to Vote.	Viscount Taaffe's Claim to Vote.
Taaffe Peerage.	Lord Aylmer's Claim to Vote.

Queen's Bench.

NEW CASES.—Hilary Term, 1859.

NEW TRIAL PAPER.

Tried during Term.

Middlesex. — Darby and Others v. Glanville.

CROWN PAPER.

Charles Frederick Lees, Plaintiff in Error, v. The Queen, Defendant in Error.

Common Pleas.

NEW CASE.—Hilary Term, 1859.

DEMURRER PAPER.

App. from Just. — Edleston, Appellant; Francis, Respondent.

Spring Circuits.—1859.

Williams, J., will remain in Town.

Midland.

Lord Campbell and Erle, J.

Oakham	Monday	Feb. 28
Northampton	Wednesday	March 2
Leicester and Borough	Saturday	March 5
Nottingham and Town	Wednesday	March 9
Lincoln and City	Saturday	March 12
Derby	Thursday	March 17
Warwick	Monday	March 21

Home.

Wightman, J., and Martin, B.

Hertford	Wednesday	March 2
Chelmsford	Tuesday	March 8
Maidstone	Monday	March 14
Lewes	Monday	March 21
Kingston	Saturday	March 26

Western.

Crowder, J., and Watson, B.

Winchester	Monday	Feb. 28
Dorchester	Monday	March 7
Devizes	Thursday	March 10
Exeter and City	Monday	March 14
Bodmin	Monday	March 21
Taunton	Saturday	March 26
Bristol	Friday	April 1

Northern.

Willes, J., and Byles, J.

Lancaster	Wednesday	Feb. 16
Appleby	Saturday	Feb. 19
Carlisle	Monday	Feb. 21
Newcastle and Town	Thursday	Feb. 24
Durham	Tuesday	March 1
York and City	Saturday	March 5
Liverpool	Saturday	March 19

North Wales.

Bramwell, B.

Welchpool	Wednesday	March 9
Bala	Saturday	March 12
Carnarvon	Tuesday	March 15
Beaumaris	Friday	March 18
Ruthin	Monday	March 21
Mold	Thursday	March 24
Chester and City	Saturday	March 26

South Wales.

Hill, J.

Haverfordwest and Town	Wednesday	Feb. 23
Cardigan	Monday	Feb. 28
Carmarthen	Saturday	March 5
Swansea	Thursday	March 10
Brecon	Saturday	March 19
Presteign	Wednesday	March 23
Chester and City	Saturday	March 26

For the *Norfolk* and *Oxford* Circuits see page 236 ante.

Births, Marriages, and Deaths.

BIRTHS.

BARRY—On Jan. 28, at the Cottage, Southgate, Middlesex, the wife of Arthur E. Barry, of Gray's-inn, Solicitor, of a daughter.

CHURCHILL—On Feb. 2, at Balham, Surrey, the wife of W. Churchill Longman, Esq., of a daughter.

FIELD—On Jan. 31, at Caldecot-house, Aldenham, Herts, the wife of John J. Field, Esq., of a son.

POLLOCK—On Feb. 2, at Wimbledon, the wife of George F. Pollock, Esq., of a son.

SMITH—On Jan. 28, at Blackheath, the wife of Frederic Smith, Esq., of a son.

YOUNG—On Jan. 30, at 30 Camden-road-villas, Mrs. G. A. Young, of a daughter.

MARRIAGES.

ADCOCK—ROBINSON—On Jan. 31, at St. George's, Hanover-square, Frederic Poland Adcock, Esq., Solicitor, Cambridge, third son of Stephen Adcock, Esq., of Trumpington, Cambridgeshire, to Ann, second surviving daughter of William Robinson, Esq., 14 Park-terrace, Cambridge.

BRASIER—COBBOLD—On Feb. 1, at St. John's, Paddington, by the Rev. William Garratt, M.A., incumbent of St. John's, Fulham, John Henry Brasier, Esq., M.A., Barrister-at-Law, to Elizabeth Cassandra, widow of the late Edward Cobbold, Esq., and daughter of the late Rev. T. C. Boone, vicar of Kensworth, Herts.

MURRAY—WOODALL—On Feb. 2, at St. George's, Hanover-square, by the Rev. G. Banastre Pix, M.A., Richard Henry Murray, LL.B., and of the Middle Tempie, Barrister-at-Law, eldest son of Thomas Murray, Esq., M.D., of Trinidad, West Indies, to Georgina, youngest daughter of the late Robert Woodall, Esq., of Ardwick, Lancashire.

PROCTOR—LIVESEY—On Jan. 27, at the church of St. John the Divine, Fairfield, Liverpool, by the Rev. John Calder, incumbent, Charles Edward Proctor, Esq., of Macclesfield, to Ellen, third daughter of James Livesey, Esq., Beech-hill, Fairfield.

DEATHS.

DIXON—On Jan. 29, suddenly, at 31 Mornington-crescent, Regent's-park, Mary Ann, the wife of Thomas Henry Dixon, of 5 New Boswell-court, Lincoln's-inn, Solicitor.

PHILLIPS—On Feb. 1, at his house, 39 Gordon-square, from an attack of apoplexy, Charles Phillips, Esq., one of the Commissioners of her Majesty's Court for Relief of Insolvent Debtors.

TURNER—On Feb. 1, at Walthamstow, in the 16th year of his age, Edward John, eldest son of John Turner, Esq., of the above place, and of Carey-street, Lincoln's-inn.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

CADWALLADER, JOHN, Gent., Chapel-rd., Stamford-hill, One Dividend on £200 per annum, Long Annuities.—Claimed by JOHN CADWALLADER, the administrator de bonis non.

COLLINGS, MARY, Spinster, Rochester, deceased, £200 New Three per Cents.—Claimed by THOMAS JOHN COTTLE, the sole executor.

COWELL, JOHN WELSFORD, Esq., Old Bond-street, One Dividend on £2000 Consols.—Claimed by JOHN WELSFORD COWELL.

DAMPIER, Rev. ROBERT, Paragon, Clifton, One Dividend on £2250 Reduced.—Claimed by ROBERT DAMPIER.

DANIEL, WILLIAM GEORGE, Lieutenant 69th Regiment, Valetta, Malta, One Dividend on £3,600 : 9 : 2 Reduced.—Claimed by WILLIAM GEORGE DANIEL.

FAULKNER, JOHN, Farmer, Wootton, Oxon, and HANNAH FAULKNER, his wife, Seven Dividends on £500 3½ per Cents.—Claimed by HANNAH FAULKNER, Widow, the survivor.

FORSTER, SAMUEL, D.D., Shotley, Suffolk, deceased, One Dividend on £1642 : 14 : 10 Consols.—Claimed by EDWARD STEELE, the surviving executor.

GRAPE, ELIZABETH, Spinster, Eton, Bucks, One Dividend on £1812 : 14 : 0 Reduced.—Claimed by ELIZABETH STOKES, Wife of Francis Stokes, formerly Elizabeth Grape.

HARRISON, JOHN WROUGHTON, Esq., Lincoln's-inn-fields, and MARY WHITE, Widow, Ewhurst Mill, Guildford, £111 : 2 : 5 Consols.—Claimed by ELIZABETH GRACE BROOKS.

JARVIS, ANN, Wife of Edward Jarvis, Victualler, Charing-cross, WILLIAM STRATTON, Linen Draper, Strand, and JOHN RANCE, Gent., Duke-street, St. James's, Three Dividends on £1100 3½ per Cents.—Claimed by WILLIAM STRATTON.

KERSTEMAN, JOHN BREWER, Lieutenant Ceylon Rifles, Colombo, Ceylon, Two Dividends on £1452 : 8 : 6 Consols.—Claimed by JOHN BREWER KERSTEMAN.

LARKEN, WILLIAM POCHIN, Ufford, Suffolk, and GEORGE LARKEN, Solicitor, Somerton, Three Dividends on £482 : 6 : 2 3½ per Cents.—Claimed by WILLIAM POCHIN LARKEN.

LEIGHTON, LOUISA, Spinster, Brace Meole, Shrewsbury, One Dividend on £4212 : 14 : 4 Consols.—Claimed by EDWARD OAKELEY, administrator with will annexed, de bonis non.

LISNEY, ELIZABETH, Spinster, Shepperton-cottage, New North-road, Islington, £290 New 3 per Cents.—Claimed by ELIZABETH LISNEY.

MAYNE, CHARLES OTWAY, Esq., Regent's-park, and ROBERT WILFRED SKEFFINGTON LUTWIDGE, Esq., Lincoln's-inn, Two Dividends on £2131 : 0 : 9 Consols.—Claimed by ROBERT WILFRED SKEFFINGTON LUTWIDGE.

MOORE, BARLOW BRASS, Esq., Greenhithe, Kent, and EDWARD HARMER MOORE, Gent., Greenhithe, Kent, £108 : 16 : 10 Consols.—Claimed by EDWARD HARMER MOORE, the survivor.

MUGGERIDGE, RICHARD MICHAUX, Esq., Sloperton Lodge, Dublin, One Dividend on £21,631 : 2 : 6 3½ per Cents.—Claimed by RICHARD MICAUX MUGGERIDGE.

NEVINSON, EDWARD, Esq., Carlisle, Sir JAMES M'GRIGOR, Director of Army Hospitals, Camden-hill, Kensington, ARCHIBALD CAMPBELL, Esq., Suffolk-st., & WILLIAM BEYDEN, Wholesale Druggist, Cornhill, One Dividend on £2000 4 per Cents.—Claimed by ROBERT GRANT, executor of Sir James M'Grigor, deceased, who was the survivor.

PETTY, GEORGE SHAW, Banker, Ulverston, GEORGE MASON, Gent., Ashlack-hall, and JOHN SLATER, Gent., Hawkshead, all in Lancashire, One Dividend on £5552 : 4 : 4 Consols.—Claimed by GEORGE SHAW PETTY, GEORGE MASON, and JOHN SLATER.

POUGET, ROBERT JOHN, Esq., Elms Tor, Devon, One Dividend on £1298 : 7 : 0 3½ per Cents.—Claimed by ROBERT JOHN POUGET.

RAYNSFORD, THOMAS ALEXANDER, Esq., Charlotte-street, Bedford-square, One Dividend on £2000 4 per Cents.—Claimed by FREDERICK EDWIN EYRE, one of the executors.

RICKMAN, WILLIAM CHARLES, Esq., Park-side, Hyde-park-corner, £200 New 3 per Cents.—Claimed by WILLIAM CHARLES RICKMAN.

SCARBROUGH, Right Hon. and Rev. JOHN Earl of, Rector of Thorahill, Yorkshire, deceased, £130 : 9 : 7 New 2½ per Cents.—Claimed by Rev. HENRY TORRE, Clerk, the surviving executor.

STANLEY, BARBARA, Widow, Park-st., Westminster, Two Dividends on £2050 Consols.—Claimed by JOHN TOWNELEY, acting executor of Peregrine Edward Towneley, who was the sole executor of Barbara Stanley.

STUART, Rev. JOHN BURNETT, Vicar of Billesdon, near Leicester, and ABRAHAM HORSFALL, Solicitor, Leeds, One Dividend on £5412 : 14 : 6 Consols.—Claimed by JOHN BURNETT STUART, and ABRAHAM HORSFALL.

STUART, DONALD GORDON, Esq., Liverpool, One Dividend on £1400 Reduced.—Claimed by DONALD GORDON STUART.

TATTERSALL, CHARLOTTE MONTAGUE, Widow, and MARY ANN TATTERSALL, Spinster, both of Acton, £217 : 0 : 10 Consols.—Claimed by CHARLOTTE MONTAGUE TATTERSALL and MARY ANN TATTERSALL.

WHITNEY, ELIZABETH, Widow, Wipie-place, Kensington, Five Dividends on £10 per annum Long Annuities.—Claimed by GEORGE WHITNEY, her surviving executor.

WILLIAM, Most Hon. CHARLES, Marquis of Londonderry, and Capt. RICHARD HARDINGE, Royal Artillery, Two Dividends on £1895 : 14 : 9 Consols.—Claimed by RICHARD HARDINGE.

WRIGHT, HELEN, Spinster, Lark-hill, Worcester, JOHN GAWLER BRIDGE, Esq., Ludgate-hill, and WILLIAM BRIDGE, Esq., Dorchester, One Dividend on £5767 : 0 : 9 3½ per Cents.—Claimed by WILLIAM BENJAMIN PATERSON, executor of WILLIAM BRIDGE, deceased, who was the survivor.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette *and elsewhere during the Week.*

ATKINSON, ANN, daughter of the late William Grewer, of Plaistow, Essex (who died in 1810), and widow of Edward Atkinson, Farmer, formerly of Plaistow, but latterly of the Weighbridge, in the Mile-end-road (who died in 1844). Her next of kin to apply to C. G., 7 Dean-street, Commercial-road East.

BROOKE, LETITIA, Wife of Robert Brooke, Gent., deceased, formerly of Margate; before her marriage Letitia Harding, Spinster. Her next of kin to send in particulars of their claims to Messrs. Brooke & Mertens, Solicitors, Margate, or W. H. E. Duncan, 35 Lincoln's-inn-fields.

CROSBIE, ANN, Spinster, formerly of Kingston, Jamaica, afterwards of Spinfield-house, near Great Marlow, Bucks, and now of Ryton-grove, near Shrewsbury, a person of unsound mind. Her next of kin to apply at the Masters in Lunacy's Office, 45 Lincoln's-inn-fields.

HART, LETITIA, or her Husband, THOMAS HART, who, in 1795, kept a boarding-school in Dublin, or EMILY GUNSTON and HARRIET GUNSTON, sisters of Letitia Hart, or their representatives. The next of kin to apply to L. Wynne, Solicitor, 46 Lincoln's-inn-fields.

HUSSEY, EDWARD, Watchmaker, 22 Wenlock-road, Hoxton New Town (who died on Aug. 12, 1853). His next of kin to apply to J. Atkinson, 10 Basinghall-st.

MOSES, FLORA, Widow, Portsea, Hants (who died in 1821). Backruck *v.* Barnard, V. C. Stuart. *Last Day for Proof*, Feb. 21.

STEUART, DOROTHEA CATHERINE, Widow, formerly of Doncaster, and late of Burford, Oxon (who died in Oct., 1858). Re Steuart's Estate, Johnson and Fergusson *v.* Bacon, M. R. *Last Day for Proof*, Feb. 14.

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	95 ..	..	95½ 4⅜	95½	95 ½
Caledonian.....	87½ ⅜	86⅜ 6	86 ½ 6	86⅜ 5½	86½	85½ ⅜
Chester and Holyhead..	..	..	..	..	..	47½
East Anglian	..	..	..	16	..	..
Eastern Counties	..	62½ ¼ ⅜	62½	62⅜ 1⅜	62½ 2	61⅜ 2
Eastern Union A. Stock.	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	..	..	..	94⅜	..
Edinburgh and Glasgow	..	..	..	..	69½	..
Edin. Perth, and Dundee	..	..	29½ ¾	27⅞	29⅜ 30	29⅜
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	..	105 4⅜	..	105¼	..	..
Ditto A. Stock	..	89	..	87⅜ 6½	..	..
Ditto B. Stock	..	137 6	137	..	138	..
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	55⅜ ½	55⅛ ⅜ ½	55¼ ½	55⅛ ⅞ 6	55⅜ 6	55⅛ ½
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancashire & Yorkshire	97¼ 7	97 6⅛	95⅜ 6	95⅝ ⅞	95⅜ ⅜	95¼ ⅜
Lon. Brighton & S. Coast	..	109⅛ x d	109⅛ x d	108⅛ x d	108⅜ x d	108⅛ 9
London & North-Wstrn..	96⅜	96⅜ 6	95⅝ 5	95⅝	95⅝ 5⅛	95 4⅛
London & South-Westrn.	95⅜ 6⅜	96⅛ 5⅜	95⅝	95⅛ ¼	95⅜ ⅜	95⅛ 5
Man. Sheff. & Lincoln..	38½	38⅜ ½	..	37½	37⅝	..
Midland	102⅛ ⅜	102⅛ ⅜	101⅜ 2⅛	102⅛ ¼	102⅛ ⅜	101⅛ ⅜
Ditto Birm. & Derby	..	77	77⅛	..	76½	65
Norfolk	..	..	..	..	..	..
North British	62⅜	62⅜ ⅛	62¼ 2	62⅛	62⅛	62⅛ 2
North-Eastern (Brwck.)	93⅛ ⅞	93⅛ ¼	93	93⅛ ⅛	93⅜ ⅜	93⅛ ⅜
Ditto Leeds	48⅝	..	48	48⅛	48⅜ ⅜	48⅛ ⅜
Ditto York	77⅜ ¼	78 7⅛	77⅛ ⅜ ¼	77⅛	77⅞ 8⅜	78¼ ¼
North London	..	..	..	102	..	..
Oxford, Worc. & Wolver.	..	..	..	31	..	..
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	28	..	27⅛	27⅛ ⅛	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	..	..	..	..	..
South Devon	..	37⅞	..	38	..	..
South-Eastern	..	73⅜	73⅜ ⅜	73⅜	74	..
South Wales	74½	..	74	74	..	..
Vale of Neath	90 89½	90¼ 90	..	89½	..	..

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	..	227	228 9	228 9	228 9
3 per Cent. Red. Ann...	96⅛ ⅛	96⅛ 5/8	95⅝ 6	96⅛ 5/8	96⅛ 5/8	95⅝ ⅜
3 per Cent. Cons. Ann...	95⅝ ⅜	95⅝ ⅜	95⅝ ⅜	95⅝ ⅜	95⅝ ⅜	95⅝ 7/16
New 3 per Cent. Ann...	96⅛ ¼	96 ⅜	96⅛ 6	95⅞ ⅛	96⅛ 6	95⅝ ⅜
New 3½ per Cent. Ann.	..	79½	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	..	1 3-16	..	1 3-16	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1880)	..	15-16	15-16	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	18½	18½	18½	18½	..
India Stock	224	221	..	..	..	..
India Loan Debentures..	99⅜ ½ ⅜	99⅛ ⅛	98⅜ 9/16	99 8⅜	98⅞	98⅜ 9
India Scrip, Second Issue	..	..	..	21s p	21s	20s
India Bonds (£1,000) ..	..	26s22s p	23s26s p	..	24s	24s
Do. (under £1000)	..	..	..	..	..	24s24s p
Exch. Bills (£1000) Mar.	..	35s37s p	37s p	34s37s p	37s	34s 37s
Ditto June....	..	37s34s p	..	..	34s	..
Exch. Bills (£500) Mar.	37s p	37s34s p	..	..	..	..
Ditto June....	38s35s p	34s p	..	..	..	..
Exch. Bills (Small) Mar.	37s p	35s34s p	..	..	34	..
Ditto June	..	36s34s p	37s34s p	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	100⅛	100⅜	100⅜	100⅛	..	..

Estate Exchange Report.

(For the week ending January 27, 1859.)

AT THE MART.—By Messrs. DANIEL, SMITH, SON, & OAKLEY.

Freehold Residence, No. 15, Kensington-park-gardens; let under an agreement for 7 years from Midsummer, 1857, at an annual rent of £145.—Sold for £2140.

Freehold Residence, No. 16, Kensington-park-gardens; let on lease for 21 years from Lady-day, 1858, at a rent of £168 per annum.—Sold for £2760.

Freehold Residence, No. 17, Kensington-park-gardens; let under an agreement for 5 years from Midsummer, 1857, at £145 per annum.—Sold for £2330.

Freehold Residence, No. 14, Stanley-gardens, Ladroke-road, Notting-hill; let under an agreement for 5 years from Michaelmas, 1856, at £150 per annum.—Sold for £2100.

Freehold Residence, No. 15, Stanley-gardens, Ladbroke-road, Notting-hill; let for a term of 5 years from March, 1857, at the annual rent of £130.—Sold for £1900.

By Messrs. CHINNOCK & GALSWORTHY.

Lease and Goodwill, Dying and Calendering business, No. 45, Warwick-street, Regent-street; held for 61 years from July, 1858, at £74 per annum.—Sold for £870.

Leasehold Improved Ground-rents, £83:15:0 per annum, arising from Nos. 1, 2, & 5, to 24, Shannon-terrace, and Nos. 27, 30, & 31, Middleton-terrace, Dalston.—Sold for £1190.

By Messrs. FULLER & HORSEY.

Leasehold Corner Shop and Dwelling-house, No, 1, Sloane-street, Knightsbridge; term, 44½ years from June, 1858; rent, £160 per annum.—Sold for £400.

A Policy for £2000 in the London Life Association, on the life of a gentleman aged 76 next birthday; reduced annual premium, £13:13:7.—Sold for £1550.

A Policy for £3000, in same office, on the life of a gentleman, aged 62 next birthday; reduced annual premium, £20:16:1.—Sold for £1700.

A Policy for £3000, same office, on the life of a gentleman, aged 47 next birthday; reduced annual premium, £18:11:11.—Sold for £1100.

By Messrs. EDWIN FOX & BOUSFIELD.

Freehold House, No. 8 & 9, Sheppey-place, Gravesend; let at £35 per annum.—Sold for £300.

Leasehold House, No. 74, Union-road, East-road, Hoxton; let at £22:12:0 per annum; term, 93 years from Midsummer, 1813; ground-rent, £2.—Sold for £115.

Leasehold, Nos. 70, 71, & 72, Union-street; let at £62:8:0 per annum; term, 97 years from June, 1811; ground-rent, £6.—Sold for £280.

Leasehold Houses with Shops, Nos. 1 & 2, Cross-street, Hoxton; let on lease at £50 per annum; term, 97 years from June, 1811; ground-rent, £3:4:0.—Sold for £570.

Leasehold houses, Nos. 72 & 73, Nicholas-street, Hoxton; let at £44 per annum; term, 61 years from March, 1835; ground-rent, £7.—Sold for £315.

Leasehold, Nos. 39, 40, & 41, Nicholas-street; let at £60 per annum; held for 60 years from Michaelmas, 1839; ground-rent, £9.—Sold for £420.

Leasehold, Nos. 11, 12, & 13, Upper John-street, High-street, Hoxton; let at £56 per annum; term, 61 years from Midsummer, 1836; ground-rent £7:5:8.—Sold for £335.

Leasehold House, No. 14, Robert-street, Hoxton; let at £24 per annum; term, 43¾ years from Lady-day, 1829; ground-rent, £4.—Sold for £140.

The Moiety of a Leasehold Ground-rent of £54 per annum, arising out of premises Nos. 5, 6, 7, 9, 10, & 11, Maberly-terrace, Balls-pond; term, 61 years from Midsummer, 1825.—Sold for £205.

The Absolute Reversion to £763:18:8, Three per cent. Reduced Annuities, receivable on the decease of a lady, aged 50 years.—Sold for £180.

By Mr. SEARLE.

Leasehold Residences, Nos. 1 & 2, Denmark-terrace, Cold Harbour-lane, Camberwell; let at £72 per annum; term, 22½ years from Christmas, 1858; ground-rent, £2:15:0.—Sold for £330.

Leasehold, Nos. 3 & 4, Denmark-terrace, same term, &c.—Sold for £320.

Leasehold, Nos. 5, 6, 7, & 8, Denmark-terrace; annual value, £166; term, 26½ years from Christmas, 1858; ground-rent, £15.—Sold for £800.

AT GARRAWAY'S.—By Messrs. DAVIS & VIGERS.

Leasehold Business Premises, Nos. 77 & 78, Wood-street, Cheapside, with warehouses in the rear, also a plot of land adjoining, with frontage in Silver-street; No. 77, held 19 years from Midsummer, 1847, at £421:16:0 per annum; No. 78, for 21 years from April, 1852, at £105 per annum; and the land in Silver-street, for 60 years from March, 1857, at ground-rent of £72:11:6 per annum, also subject to the payment of £94:12:6 per annum, for 4½ years from Christmas, 1858.—Sold for £1000.

By Mr. MURRELL.

Leasehold Residence, No. 3, Blackheath-terrace, Blackheath; term, 81 years from Christmas, 1838; ground-rent, £12 per annum.—Sold for £395.

London Gazettes.

Bankrupts.

TUESDAY, *Feb.* 1, 1859.

ALLEN, WILLIAM, Shoe Maker, Wellingborough, Northamptonshire. *Com.* Goulburn: Feb. 14, at 1; and Mar. 14, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sols.* West, 3 Charlotte-row, London; or Murphy & Sharman, Wellingborough. *Pet.* Jan. 31.

BARTLETT, THOMAS BARRETT, Draper, 6 Middle-row, Knightsbridge. *Com.* Goulburn: Feb. 14, at 1; and Mar. 14, at 11; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Daniel, Albion-chambers, 11 Adam-st., Adelphi. *Pet.* Jan. 28.

BEASLEY, JOSEPH, jun., Iron Master, Haltwistle, Northumberland. *Com.* Ellison: Feb. 11 and Mar. 15, at 12.30; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Reece, 104 New-st., Birmingham; or Chartres, Grey-st., Newcastle-upon-Tyne. *Pet.* Jan. 14.

COOK, WILLIAM, sen., Farmer, Great Harrowden, Northamptonshire. *Com.* Fane: Feb. 11 and Mar. 18, at 12; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Becke & Metcalfe, 15 Bedford-row; or Becke, Northampton. *Pet.* Jan. 27.

FOLLETT, HENRY, Ship Builder, Dartmouth. *Com.* Andrews: Feb. 9 and Mar. 10, at 11 (*not* 1, as advertised in last Friday's *Gazette*); Exeter. *Off. Ass.* Hirtzel. *Sols.* Smith, Dartmouth; or Stogdon, Exeter. *Pet.* Jan. 25.

GOSS, ADAM BANNISTER, Brewer, Ormskirk. *Com.* Perry: Feb. 15 and Mar. 9, at 11; Liverpool. *Off. Ass.* Cazenove. *Sols.* Anderson & Collins, 58 Castle-st., Liverpool. *Pet.* Jan. 19.

HARRATT, CHARLES, Iron Merchant & Ship Owner, 2 Royal Exchange-bldgs., Canning-town, Bow-creek. *Com.* Holroyd: Feb. 15, at 2.30; and Mar. 15, at 1; Basinghall-st. *Off. Ass.* Lee. *Sol.* Hilleary, 5 Fenchurch-bldgs. *Pet.* Jan. 29.

HORTON, SAMUEL THOMAS, Builder, Roath, Cardiff. *Com.* Hill: Feb. 14 and Mar. 15, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Waldron, Cardiff; or Bevan & Girling, Bristol. *Pet.* Jan. 26.

MILLER, JAMES, Painter, 11 St. Andrew-st., Cambridge. *Com.* Evans: Feb. 11, at 11; and Mar. 10, at 2; Basinghall-st. *Off. Ass.* Bell. *Sol.* Hewett, Nicholas-lane. *Pet.* Jan. 29.

MORRIS, JOHN, Shoe Manufacturer, Great Bridge and Wednesbury, Staffordshire. *Com.* Sanders: Feb. 14 and Mar. 7, at 11; Birmingham. *Off. Ass.* Kinnear. *Sol.* Smith, Birmingham. *Pet.* Jan. 18.

ROGERS, ARTHUR, Draper, Dundalk, Louth, and of Castle Blaney, Monaghan, Ireland. Feb. 15 and Mar. 8, at 12; Manchester. *Off. Ass.* Potts. *Sols.* Slater & Myers, Manchester. *Pet.* Jan. 25.

SALMON, HENRY CURWEN, Share Dealer, late of 38 Coburg-st., Plymouth, and previously of Sigford, near Ashburton, formerly of Shute, near Totness, Devonshire, and late a prisoner for debt in the gaol of that county. *Com.* Andrews: Feb. 12, at 11; and Mar. 14, at 12; Exeter. *Off. Ass.* Hirtzel. *Sol.* Stogdon, Exeter. *Pet.* Jan. 14.

VANES, JOHN HOLLIS, Tanner, Stourport and Dudley, Worcestershire. *Com.* Sanders: Feb. 11 and Mar. 4, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Warrington, Dudley; or James & Knight, Birmingham. *Pet.* Jan. 31.

FRIDAY, *Feb.* 4, 1859.

BARFIELD, HENRY, & JOHN WILLIAM MARTIN, Grocers, 22 High-st., Woolwich. *Com.* Fonblanque: Feb. 15, at 12.30; and Mar. 18, at 12; Basinghall-st. *Off. Ass.* Graham. *Sols.* Leopard & Gammon, 9 Cloak-lane. *Pet.* Feb. 2.

COLLEN, GEORGE, Plumber, Stowmarket. *Com.* Holroyd: Feb. 22, at 3; and March 22, at 1; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Jay, 14 Bucklersbury; or Jay & Pilgrim, Norwich. *Pet.* Jan. 22.

FORD, HENRY, Draper, Beaumont-sq., Mile-end. *Com.* Evans; Feb. 11, at 12; and Mar. 17, at 1; Basinghall-st. *Off Ass.* Bell. *Sols.* George & Donning, Sise-lane. *Pet.* Feb. 1.

MARSHALL, RICHARD LEWIS, Coach Maker, Lanivet, Cornwall. *Com.* Andrews: Feb. 16 and Mar. 14, at 11; Exeter. *Off. Ass.* Hirtzel. *Sols.* Bishop & Wreford, Fowey; or Stogdon, Exeter. *Pet.* Feb. 2.

MONTGOMERY, JOHN, Furniture Broker, Liverpool. *Com.* Perry: Feb. 15, at 11; and Mar. 9, at 2; Liverpool. *Off. Ass.* Cazenove. *Sols.* Dodge & Wynne, 7 Union-ct., Castle-st., Liverpool. *Pet.* Jan. 26.

RANDELL, JAMES, Builder, Devizes. *Com.* Hill: Feb. 15 and Mar. 15, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Norris, Devizes; or Abbott, Lucas, & Leonard, Bristol. *Pet.* Jan. 31.

RUSSELL, SAMUEL, Engraver, 3 Darnley-ter., Gravesend. *Com.* Holroyd: Feb. 18 and Mar. 18, at 12; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Hand, 22 Coleman-st. *Pet.* Feb. 1.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Feb.* 1, 1859.

BAIN, ALEXANDER, Electric Clock Maker, 43 Old Bond-st. Feb. 23, at 1; Basinghall-st.

CAMPIN, HENRY, Warehouseman, 87 Watling-st. Feb. 22, at 2.30; Basinghall-st.

CORKER, EDWARD, Timber Merchant, Fore-st., Edmonton. Feb. 23, at 11; Basinghall-st.

DENBIGH, JOHN, Hearth Rug Manufacturer, 28 Duncan-ter., and 22½ Bryan-st., Islington. Feb. 24, at 11.30; Basinghall-st.

DONCASTER, WILLIAM, Builder, Love-lane, Wandsworth. Feb. 24, at 12; Basinghall-st.

FAIRBY, WILLIAM, Grocer, Bedford. Feb. 23, at 11.30; Basinghall-st.
FORD, DANIEL MEREWETHER, Carrier, Blossoms-inn, Lawrence-lane, Cheapside. Feb. 23, at 1; Basinghall-st.
GENT, GEORGE, Grocer, South-row, New-rd., St. Pancras, late of Northampton. Feb. 24, at 12; Basinghall-st.
GODDARD, GEORGE, Licensed Victualler, Blue Posts, Berwick-st., Oxford-st., and Crown and Grapes, Little Newport-st. Feb. 22, at 12; Basinghall-st.
HINDHAUGH, MARY, & ARTHUR FERDINAND DE NEUMANN, Timber Merchants, Newcastle-upon-Tyne. Feb. 25, at 12; Newcastle-upon-Tyne.
MERRIMAN, JOHN, Draper, South Shields. Feb. 23, at 12; Newcastle-upon-Tyne.
MONTEFIORE, JACOB, & JOSEPH BARROW MONTEFIORE, Merchants, George-st., Mansion-house, and recently of Nicholas-lane. Feb. 23, at 11; Basinghall-st.
NAIRN, PHILIP, Miller, Warren Mills, near Belford. Feb. 15, at 12; Newcastle-upon-Tyne.
PARKER, FREDERICK HENRY, & JOHN BALSDON, Wine & Spirit Merchants, Bristol. Feb. 24, at 11; Bristol.
PHILPS, HENRY, Draper, Cornbury-pl., Old Kent-rd., and of North-st., Brighton. Feb. 23, at 12.30; Basinghall-st.
PIGG, ROBERT, Grocer, North Tuddenham. Feb. 11, at 11.30; Basinghall-st.
POLDING, WILLIAM, Cotton Spinner, Livesey. Feb. 23, at 12; Manchester.
SADGROVE, WILLIAM, jun., & RICHARD RAGG, Cabinet Makers and Upholsterers, Eldon-st., Finsbury, and Dunning's-alley, Bishopsgate-st. Feb. 22, at 12; Basinghall-st.
SILBY, JAMES FERBY, Timber Merchant, Poole. Feb. 23, at 2; Basinghall-st.
STUART, JOHN, Coffee-house Keeper, Wigan. Feb. 22, at 12; Manchester.
THORNICRAFT, THOMAS, Coal Merchant, Leicester. Feb. 22, at 11; Nottingham.
TONKS, JOHN, Printer, and Wine Merchant, Birmingham. Feb. 25, at 11; Birmingham.
WATERS, WILLIAM EDWARD, Wholesale Milliner, 26 Haverstock-st., City-rd. Feb. 23, at 11.30; Basinghall-st.

FRIDAY, *Feb.* 4, 1859.

ADAMS, SAMUEL, Banker, Ware, Hertford (Samuel Adams & Co.) Feb. 25, at 1; Basinghall-st.
ALLEN, REBECCA, Innkeeper, Alfreton, Derby. Feb. 26, at 10; Council-hall, Sheffield.
ARNSBY, GEORGE EKINS, Boot & Shoe Manufacturer, Earl's Barton, Northampton. Feb. 28, at 1; Basinghall-st.
BARCLAY, DAVID, Leather Manufacturer, 17½ Richardson-st., and 67 Long-lane, Bermondsey (David Barclay & Co.) Feb. 25, at 12; Basinghall-st.
COLDWELL, THOMAS HENRY, Worsted Spinner, Wakefield. Feb. 25, at 11; Commercial-bldgs., Leeds.
EXLEY, CHARLES, Corn Factor, Wakefield. Feb. 25, at 11; Commercial-bldgs., Leeds.
GIBSON, HENRY, Merchant, 17 Gracechurch-st. Feb. 15, at 11; Basinghall-st.
HALEY, WILLIAM, Hatter, Leeds. Feb. 25, at 11; Commercial-bldgs., Leeds.
HEAD, THOMAS, Apothecary, Hanley. Feb. 28, at 11; Birmingham.
INCE, JOHN, Apothecary, 3 Wilton-st., Grosvenor-sq. Feb. 17, at 11; Basinghall-st.
LONGWORTH, THOMAS, Draper, Staveley. Feb. 26, at 10; Council-hall, Sheffield.
MARKS, JOHN, Coach Maker, Bell-st., Paddington, Long-acre, and Victoria-st. North, Melbourne, Australia. Feb. 25, at 1; Basinghall-st.
RIDGE, GEORGE, & THOMAS JACKSON, Stationers, Sheffield; sep. est. of G. Ridge. Feb. 26, at 10; Sheffield.
TOMLINSON, THOMAS, Corn Merchant, Winterton, Lincolnshire, trading in copartnership with JOHN BURKILL, ISAAC BURKILL, & JOHN BURKILL, jun. (Tomlinson & Burkill). Feb. 25, at 11; Commercial-bldgs., Leeds.
TURTON, JOHN, Lace Manufacturer, Nottingham. Mar. 1, at 11; Shire-hall, Nottingham.
WALTERS, HENRY, & BENJAMIN WALTERS, Druggists, Alfreton, Derbyshire; sep. est. B. Walters; Feb. 26, at 10; Council-hall, Sheffield.
WRIGHT, ANTHONY GEORGE, BIDDULPH JOHN WRIGHT, HENRY ROBINSON, & EDMUND WILLIAM JERNINGHAM, Bankers, 6 Henrietta-st., Covent-garden (Wright & Co.) Feb. 25, at 12; Basinghall-st.
WRIGHT, SAMUEL, Grocer, Longton, Stoke-upon-Trent. Mar. 7, at 11; Birmingham,

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Feb.* 1, 1859.

CHURCHOUSE, THOMAS, Grocer, Briton Ferry, Neath. Mar. 1, at 11; Bristol.
HAYDEN, THOMAS, Cotton Spinner, Bishopwearmouth. Feb. 23, at 12.30; Royal-arcade, Newcastle-upon-Tyne.
MESNARD, DANIEL, Cutler, 67 Park-st., Grosvenor-sq. Feb. 24, at 11; Basinghall-st.
MERRIMAN, JOHN, Draper, South Shields. Feb. 23, at 11.30; Royal-arcade, Newcastle-upon-Tyne.
MITCHELMORE, GEORGE HUMBERSTONE, Builder, 9 Fitzroy-ter., Southampton-rd., Haverstock-hill. Feb. 22, at 12; Basinghall-st.
OAK, WILLIAM COVENTRY, & CHARLES HASTINGS SNOW, Bankers, Blandford Forum, Dorset. Feb. 24, at 11; Basinghall-st.
PHILP, RICHARD, Watchmaker, Okehampton. Feb. 24, at 11; Queen-st., Exeter.
SHARP, EDWARD, Miller, Pinchbeck. Feb. 22, at 11; Nottingham.

FRIDAY, *Feb.* 4, 1859.

BEVAN, HENRY, Licensed Victualler, Bristol. Mar. 1, at 11; Bristol.
BLACKHAM, GEORGE (Blackham Brothers), Grocer, Birmingham. Mar. 4, at 11; Birmingham.
BURROW, THOMAS, Cattle Dealer, Shrawley, Worcestershire. Feb. 25, at 11; Birmingham.
CHASSEAUD, GEORGE WASHINGTON (G. W. Chasseaud & Co.), Merchant, late of 29 Austin-friars, now of County-chambers, Cornhill. Feb. 25, at 11; Basinghall-st.
CLARKE, JAMES HERON, Grocer, Bury New-rd., Manchester. Feb. 25, at 1; Manchester.
COGGIN, JOSEPH, Grocer, Swinton, Yorkshire. Feb. 26, at 10; Sheffield.
GLEDHILL, WILLIAM, Plumber & Glazier, Monkfrystone, Yorkshire. Feb. 25, at 11; Commercial-bldgs., Leeds.
PEARSALL, WILLIAM, Victualler, Kidderminster. Feb. 28, at 11; Birmingham.
POLDEN, JAMES, & JAMES ALEXANDER POLDEN, Fishing Tackle Manufacturers, 29 Castle-st., Leicester-sq. Feb. 26, at 11; Basinghall-st.
ROGERS, WILLIAM, Publican, Odell Arms, George-st., Fulham-rd., late of the "Trafalgar," Latymer-rd., and Kensington Arms, Warwick-rd., Kensington. Feb. 25, at 1.30; Basinghall-st.
THORNTON, JOSEPH GOODBARN, Watchmaker, Richmond, Yorkshire. Feb. 25, at 11; Commercial-bldgs., Leeds.
WAITE, THOMAS, Saddler, Tonbridge. Feb. 25, at 1.30; Basinghall-st.
WILLIAMS, WILLIAM, Innkeeper, Melton Mowbray. Mar. 1, at 11; Shire-hall, Nottingham.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Feb.* 1, 1859.

BARNES, JOHN THOMAS, Builder, Maryland-point, Stratford, late of 15 Lower Queen's-row, Pentonville. Jan. 26, 2nd class.
BINNS, THOMAS, Iron Merchant, Deighton. Jan. 21, 1st class.
COLBECK, JOHN, Tea Dealer, Lower Bebbington. Jan. 21, 3rd class.
DALES, JOHN, & BENJAMIN DALES, Builders, 20 George-st., Westminster, and Times Wharf, Pimlico, and Canada West, North America. Jan. 26, 1st class.
DAVIS, JOHN THOMAS, Grocer, Alton, Hants. Jan. 26, 3rd class.
DAWES, BENJAMIN, Grocer, Kinfare, Staffordshire. Jan. 24, 3rd class.
EALAND, EDWIN NATHANIEL, Plumber, Birmingham. Jan. 26, 3rd class.
EDWARDS, WILLIAM A., & THOMAS WHITLOCK, Bottle Merchants, 7 Upper Thames-st. Jan. 21, 3rd class.
FORD, RICHARD, Licensed Victualler, Wolverhampton. Jan. 28, 3rd class.
HALEY, WILLIAM, Hatter, Leeds. Jan. 21, 2nd class.
JACKSON, GEORGE, Decorative Designer, 17 Brazenose-st., Manchester. Jan. 26, 2nd class.
JUKES, RICHARD, Iron Master, Liversedge Iron Works, York. Jan. 24, 2nd class.
PHILLIPS, PHILIP, Merchant & Brewer, late of Crowland, Lincolnshire, now of Spalding, Dealer in Cattle. Jan. 25, 3rd class.
PRINGLE, ELSDON, Ship Owner, Southport. Jan. 24, 2nd class.
SCULLY, AMBROSE, Ironmonger, Bradford. Jan. 25, 3rd class.
SHEPPARD, JAMES, Licensed Victualler, Spread Eagle-hotel, Wandsworth. Jan. 21, 3rd class.
SPENCER, FREDERICK, Mercer, Birmingham. Jan. 28, 3rd class.
TAYLOR, AGNES, Provision Dealer, Newcastle-under-Lyme. Jan. 28, 3rd class.
WATERS, WILLIAM EDWARD, Wholesale Milliner, 26 Haverstock-st., City-rd. Jan. 26, 3rd class.

FRIDAY, *Feb.* 4, 1859.

BAYLISS, MOSES BULLOCK, Tailor, 1 Sloane-st., Knightsbridge. Jan. 31, 2nd class.
BEVAN, THOMAS, Hatter, Liverpool. Jan. 28, 2nd class.
CHRISTIAN, HENRY, Coffee Merchant, 9 Mincing-lane. Jan. 26, 3rd class.
GURNEY, JOSEPH RANDALL, Farmer, Chalfont St. Giles, Bucks. Feb. 3, 2nd class.
HANSON, JOSEPH, Grocer, Halifax. Jan. 28, 3rd class.
HATTON, RICHARD, Stationer, 35 Brudenell-pl., New North-rd., Hoxton. Feb. 1, 3rd class.
HUNT, GEORGE, Trunk Maker, Above Bar, Southampton. Jan. 27, 2nd class.
LYON, HENRY PHILIP, Licensed Victualler, 28 & 29 Brooke-st., Holborn. Jan. '27, 2nd class.
NEWGASS, HENRY, Dealer in Photographic Apparatus, 67 Newgate-st. Feb. 1, 3rd class.
ROBINSON, ROBERT, & JOHN ROBSON, Upholsterers, 28 Margaret-st., Cavendish-sq., and 14 Little Portland-st. Feb. 3, 2nd class.
TONKS, JOHN, Printer, Birmingham. Jan. 29, 3rd class.
WRIGHT, ROBERT, & GEORGE ELLIOTT WRIGHT, Wharfingers, Leeds, and 17 Harp-lane, Middlesex (R. & G. E. Wright). Jan. 28, 2nd class.

Assignments for Benefit of Creditors.

TUESDAY, *Feb.* 1, 1859.

COULSON, JAMES, Grocer, Harwich. Jan. 26. *Trustees*, R. A. Wilan Tea Dealer, Idol-lane, Gt. Tower-st.; E. Sewell, Merchant, Ipswich. *Sol.* Turner, Aldermanbury.
ELWIN, JOHN REYNOLDS, Grocer, Dover. Jan. 21. *Trustees*, T. Norwood, Tallow Chandler, Dover; J. A. Wells, Cheesemonger, 42 Lime-st. Creditors to execute on before April 21. *Sol.* Bompas, 19 Coleman-st.
HARDY, JOHN, Farmer, Halloughton. Jan. 11. *Trustee*, J. Bradwell, Bankers' Clerk, Southwell. *Sol.* Shilton, Nottingham.
HORSFALL, JOHN, & HENRY HORSFALL, Merchants, Leeds. Jan. 10. *Trustees*, J. Appleyard, Manufacturer, Halifax; W. Greenwood, Manufacturer, Oxenhope; T. W. George, Dyer, Leeds; J. Brigg, Manufacturer, Keighley. Creditors to execute on or before Feb. 10. *Sol.* Smith, Leeds.
SHARPE, WILLIAM, Farmer, Market Deeping. Jan. 12. *Trustees*, H. Winder, Gent., South Thoresby; A. Millington, Farmer, Deeping St. Nicholas; T. Plawright, Farmer, Pinchback; G. Ingoldby, Accountant, Spalding. Creditors to execute on or before April 12. *Sol.* Cartwright, Spalding.
SMALLMAN, CHARLES, Farmer, Castle Farm, Salop. Jan. 25. *Trustee*, A. Fellows, Maltster, Shifnal. *Sol.* Phillips, Shifnal.
WOOLHOUSE, ELIZABETH, Grocer, Sheffield. Jan. 25. *Trustee*, J. Woolley, Tobacconist, Sheffield; W. Brown, Bank Manager, Sheffield. *Sol.* Brown, Sheffield.
WRATHALL, STEPHEN, Farmer, Linton, Yorkshire. Jan. 19. *Trustees*, J. Birbeck, Yeoman, Threapland, Burnsall; W. Ackernley, Aireville, Skipton. *Sol.* Heelis, Skipton.

FRIDAY, *Feb.* 4, 1859.

BILLYEALD, THOMAS, Lace Manufacturer, Hyson-green, Nottingham. Feb. 1. *Trustees*, J. Cropper, Lace Manufacturer, Sneinton; J. Keeley, Dyer, Nottingham; J. Whitaker, Public Accountant, Nottingham. Creditors to execute within 3 months. *Sol.* Watson, Nottingham.
DAWE, ISAAC, Wheelwright, Broadclist, Devon. Jan. 18. *Trustees*, A. Bodley, Ironfounder, Commercial-rd., Exeter; W. Salter, Butcher, Broadclist. Creditors to execute within 3 months. *Sol.* Huggins, Exeter.
LONGWORTH, HENRY, Publican, Manchester. Jan. 6. *Trustee*, J. Cox, Brewer, Chester-rd. *Sol.* Bond, Manchester.

Sawdon, Michael, Grocer, Nunnington, Yorkshire. Jan. 28. *Trustees*, J. Smith, Gent., New Malton; T. Stamper, Farmer, Nunnington; W. Frankland, Draper, Whitby. Creditors to execute within 3 months. *Sol.* Jackson, New Malton.

Ernestel, John Edwin, Baker, Bute-st., Cardiff. Jan. 7. *Trustees*, R. Davies, Grocer, Cardiff; T. A. Garthwaite, Merchant, Bristol. Creditors to execute within 3 months. *Sol.* Henderson, Bristol.

Spicheresy, Benjamin Burkitt, Printer, Hastings. Jan. 8. *Trustees*, B. Breeds, Accountant, Hastings; H. Polhill, Butcher, Hastings. *Sol.* Young, Hastings.

Wallis, Robert, Grocer, Marske, Yorkshire. Jan. 18. *Trustees*, W. Bennington, Merchant, Stockton, Durham; W. Thwaites, Auctioneer, Redcar, Yorkshire. Creditors to execute within 3 months. *Sol.* Dodds, Stockton.

Willott, John Denton, Earthenware Dealer, Liverpool. Jan. 18. *Trustees*, E. J. Ridgway, Earthenware Manufacturer, Hanley, Staffordshire; L. Elliott, Earthenware Dealer, Burslem, Staffordshire. Creditors to execute on or before Mar. 1. *Sol.* Harvey, Liverpool.

Wray, Charles, Gent., Burton-upon-Stather, Lincolnshire. Jan. 19. *Trustee*, S. Robinson, Draper, Winterton. Creditors to execute within 3 months. *Sol.* Liversidge, Winterton.

Creditors under Estates in Chancery.

Tuesday, *Feb.* 1, 1859.

Billingham, James, Farmer, Church Lawford, Warwickshire (who died in or about Dec. 1857). Billingham's estate, Frankton *v.* Billingham, M. R. *Last Day for Proof*, Mar. 1.

Bitter, Elizabeth, Walcot, Bath (who died in or about March, 1840). Martin *v.* Laud & Others, V. C. Stuart. *Last Day for Proof*, Mar. 21.

Cooper, Benjamin, Cordwainer, Great Farringdon, Berks (who died in or about July, 1841). Cooper *v.* Coper & Another, V. C. Stuart. *Last Day for Proof*, Feb. 18.

Ellis, Carteret John William, Esq., Barrister-at-Law, Park-rd., Clapham-park, and Middle Temple (who died in or about Oct. 1858). Millett *v.* Dulling, V. C. Stuart. *Last Day for Proof*, Feb. 22.

Glass, George Deare, Indigo Planter, formerly of Dacca, East Indies, and afterwards at 12 Villiers-st., Strand (who died in or about July, 1853). Glass *v.* Glass & Low, V. C. Wood. *Last Day for Proof*, July 21.

Grace, Henry, White Lead Manufacturer, Stockwell-common, and Bethnal-green, and formerly of Old-st., St. Luke's, Colour Manufacturer (who died in Aug. 1858). Grace *v.* Grace, M. R. *Last Day for Proof*, Mar. 1.

Kennedy, John, Gent., Claremont-sq., Clerkenwell (who died on or about the Dec. 24, 1856). Carmichael *v.* Boyle, V. C. Stuart. *Last Day for Proof*, Feb. 18.

Leach, John William, Commission Merchant, Swansea (who died in or about the month of Nov. 1852). M'Donald and Another *v.* Richardson, Richardson *v.* Marten, V. C. Stuart. *Last day for Proof*, Mar. 21.

Peynado, Rachel Rodrigues, Spinster, 2 Lansdowne-pl., Hackney (who died in or about the month of March, 1855). Peynado and Wife *v.* Peynado, V. C. Wood. *Last Day for Proof*, Feb. 15.

Rivers, Mary, Widow, Twickenham (who died in or about the month of April, 1857). Rivers, an Infant (by Barrow, his next friend), *v.* Tombs and Others, V. C. Stuart. *Last Day for Proof*, Mar. 1.

Stewart, Mary, Spinster, formerly of 50 Grand-rue Batignolles, Paris, afterwards of 6 Rue Trezel-avenue, Clichy, Batignolles, 6, Impasse Trezel-avenue, Clichy, Batignolles; 26 Rue Notre Dame des Victoires, Paris, and late of 1 Bis, Rue Riboute, Faubourg Poissonnière, Paris (who died in or about the month of Aug., 1842). Thompson *v.* Fortune and Others, M. R. *Last Day for Proof*, Mar. 1.

Toone, William Thomas, Esq., Ightfield-house, Marylebone (who died on or about May 27, 1858). Toone *v.* Baker and Others, M. R. *Last Day for Proof*, Feb. 28.

Friday, *Feb.* 4, 1859.

Buck, Francis, Cattle Dealer, Clarborough, Notts (who died in or about July, 1857). Re Buck's Estate, Justice *v.* Hall & Bailey, V. C. Stuart. *Last Day for Proof*, Mar. 4.

Gurdalla, Judah, Esq., 12 Finsbury-sq. (who died on or about June 8, 1858). Montefiore *v.* Guedalla, M. R. *Last Day for Proof*, Mar. 1.

Jones, John, Outfitter, 2 Wellesley-ter., Wellington-st., Islington (who died on or about May 26, 1858). Re Jones' Estate, Jones *v.* Cohen, M. R. *Last Day for Proof*, Mar. 5.

Kitchen, Rev. Henry, Clerk, Cockermouth, Cumberland (who died intestate in or about Dec., 1857). Kitchen *v.* Kitchen & Kitchen, V. C. Stuart. *Last Day for Proof*, Mar. 2.

Nixon, Thomas, Ironmonger, Sunderland, Durham (who died in or about Oct., 1857). Re Nixon's Estate, Henderson *v.* Crookes & Another, V. C. Stuart. *Last Day for Proof*, Mar. 19.

Perkins, Ann, Widow, Romford, Essex (who died in or about Aug., 1857). Re Perkins' Estate, Clarke *v.* Twyford & Brittain, V. C. Stuart. *Last Day for Proof*, Mar. 14.

Rogers, Lucy, Spinster, Swindon (who died in or about the month of Dec., 1857). Atherton *v.* Passmore, M. R. *Last Day for Proof*, Mar. 1.

Thompson, Thomas Hutchins, sen. (who died on Mar. 16, 1857), and Thomas Hutchins Thompson, jun. (who died on Aug. 29, 1857), both of Atherstone, Warwickshire. Tuckley *v.* Thompson (an Infant), and Potter and Wife, V. C. Wood. *Last Day for Proof*, Mar. 3.

Thorne, Colonel Peregrine Francis, formerly of Dunkirk, France, but for six months and upwards prior to his decease travelling in the Danubian Principalities and in Turkey (who died in or about the month of July, 1854). Huxham *v.* Thorne, M. R. *Last Day for Proof*, Mar. 1.

Wigram, William, Esq., Grosvenor-sq., and Bennington-park, Herts (who died in or about Jan., 1858). V. C. Stuart. *Last Day for Proof*, Mar. 14.

Wilson, Andrew, Farmer, formerly of Knaploft, afterwards of Husbands Bosworth, Leicestershire (who died in Jan., 1850). Higginson *v.* Blockley, V. C. Kindersley. *Last Day for Proof*, Feb. 24.

Wright, Clarissa Louisa, Spinster, late of Osnaburgh-st., Regent's-park, formerly of 4 Westhoe-ter., Plymouth (who died in or about July, 1856). Re Wright's Estate, Mackrell *v.* Wright, M. R. *Last Day for Proof*, Mar. 2.

Windings-up of Joint Stock Companies.

Tuesday, *Feb.* 1, 1859.

Unlimited in Chancery.

British Colonial & Foreign Sugar Company.—V. C. Kindersley: Petition for dissolution; Feb. 11.

Cae Cynon Mining Company.—V. C. Wood: Petition for dissolution; Feb. 12.

Irish Waste Land Improvement Society.—V. C. Kindersley: call on the Contributories for four pounds per share. Feb. 11, at 3; V. C. Kindersley's Chambers.

Mixon Great Consols Copper Mining Company.—V. C. Wood: settlement of the list of Contributories. Feb. 21, at 12; V. C. Wood's Chambers.

National Patent Steam Fuel Company.—V. C. Kindersley: 1*l.* 15*s.* per share on all the Contributories. Feb. 10, at 12; 57 Coleman-st.

Friday, *Feb.* 4, 1859.

Limited, in Bankruptcy.

Leicester Spinning Company (limited).—Mr. Com. Sanders: Audit Accounts and Dividend. Mar. 1, at 11; Shire-hall, Nottingham.

Scotch Sequestrations.

Tuesday, *Feb.* 1, 1859.

Brown, Thomas, Boot & Shoe Maker, Cupar. Feb. 9, at 12: Buist's Royal-hotel, Cupar. *Seq.* Jan. 28.

Park, Alexander, Portioner in Glasgow. Feb. 4, at 12; Carrick's Royal-hotel, 50 George-sq., Glasgow. *Seq.* Jan. 27.

Penney, Henry, Varnish Merchant, 4 York-pl., Baker-st., Portman-sq. Feb. 5, at 11; Lew's-hotel, Stornoway. *Seq.* Jan. 27.

Smith, James, Bookseller, Arbroath. Feb. 9, at 1; Royal-hotel, Arbroath. *Seq.* Jan. 29.

Friday, *Feb.* 4, 1859.

Gregor, William, Cabinet Maker, Coatbridge, Lanarkshire. Feb. 14, at 12; Coatbridge-inn, Coatbridge. *Seq.* Feb. 1.

Hackett, James, Commission Agent, Allison-sq., Edinburgh. Feb. 12, at 2: Johnston's Temperance Coffee Room and Hotel, Nicolson-st., Edinburgh. *Seq.* Jan. 29.

Matheson, John Sellar, Jeweller, Elgin. Feb. 19, at 12; Gordon-arms-hotel, Elgin. *Seq.* Feb. 1.

Mathieson, Duncan, & Hugh Mathieson, Boot & Shoe Makers, Glasgow. Feb. 10, at 1; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Jan. 31.

Murray, William, Hotel-keeper, London-hotel, St. Andrew-sq., Edinburgh. Feb. 8, at 3; Crown-hotel, Princes-st., Edinburgh. *Seq.* Jan. 31.

Snodgrass, William, Sheriff Officer, Stewarton. Feb. 8, at 11; Black Bull-hotel, Portland-st., Kilmarnock. *Seq.* Jan. 29.

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THE SOLICITORS' JOURNAL.

LONDON, FEBRUARY 12, 1859.

CURRENT TOPICS.

Wisdom, we are told, is justified of her sons; and Lord Chelmsford thinks that sons-in-law may be brought within the equity of the dictum. We doubt the soundness of this ruling, and believe that wisdom will be sorely troubled to justify her offspring, Mr. W. Higgins. Mr. Higgins, indeed, is a gentleman of much modesty; for, having been called to the bar at Gray's-inn in 1847, he has since that period been content to blush unseen, not even appending to his name in the *Law List* any clue which might guide an inquiring public to his abode, or the slightest indication of the line of legal business to which his talents were devoted. But in 1858 Lord Chelmsford, by a sudden turn of the wheel of fortune, ascended the woolsack, and from that hour his children saw a great light. Mr. W. Higgins brought his legal lore—and what less could he in duty do?—to the assistance of his illustrious father-in-law; and was speedily rewarded—and what less could he in family tenderness expect?—with a Bankruptcy Registrarship entailing the responsible duty of pocketing a thousand a year. So far so good. We should not be hard on a man who feels that his time of patronage is short, who has a hungry relative at his elbow, and such an easy post as a registrarship at his absolute disposal. Flesh and blood, even on the woolsack, may be forgiven thus far. But when this pardonable partiality, not content with a comfortable provision for some family offshoot, swells into flagrant nepotism, and commits an outrage on public patronage, it must no longer count on impunity. Mr. W. Higgins as a Registrar in Bankruptcy was a mild mistake. Mr. W. Higgins as a Master in Lunacy is a judicial scandal. One of the most important offices connected with the Court of Chancery—one of the most delicate and responsible functions belonging to the administration of justice, has been put into the hands of an individual who knows no more of law than his patron can know of decency. An appointment of £2000 a-year, salaried to that high amount on purpose (as Lord Lyndhurst observed when the office of Master in Lunacy was created) to obtain men of high standing and ability, has been jobbed away to a Chancellor's son-in-law, who will be laughed at by every competent lawyer doing business before him. Lord Chelmsford is not likely to achieve much fame on the woolsack, but this miserable piece of private corruption has at least secured him notoriety. When men wish to recall the character of the last Tory Chancellorship, they will be able in years to come to point to Master in Lunacy Higgins.

The Statute Law Commission seems to be doomed at last. Mr. Walpole, though he still utters some faint praises of its past usefulness, has roused himself to a sense of the utter distaste with which this body is viewed by the public and the profession, and is at last about to put an end to its existence. Its tenacity of life has been remarkable; denounced from the first by all who knew its real character as an expensive sham, and repeatedly shown up in the House as wanting both principles to guide it, and energy for the details of work, it has yet managed to drag on, to the profit of a couple of gentlemen, and to the continual disappointment of the nation. During its seven years of existence, with a paid commissioner at £1000, and a paid secretary at £600 a-year, with ample funds to employ draughtsmen, and with abundant judicial and legislative ability to assist its proceedings, this remarkable commission has never yet carried a single Bill. It is probably the most striking instance extant of the art—How not to do it; and in common with all who desire to see the work of consolidation commenced in earnest, we rejoice that Parliament will at length shake off this incubus. Such is the end of Lord Cranworth's sanguine project for a Victoria Code!

We have heard, with great satisfaction, that at a meeting of delegates from the four Inns of Court, it has been resolved on advising the benchers to institute a compulsory examination on all students previous to admission to the bar. We can have no doubt this advice, tendered from so influential a body, will have due effect, and that the reproach against the bar, of its being the only profession now open to idleness, ignorance, and incompetency, will be at once removed. No step could be taken by the benchers, in our opinion, more fraught with benefit to the profession. It will testify the sincerity of their desire to maintain legal education in a proper position, and to secure the true dignity and honour of the law. When once the degree of barrister is a certificate of legal attainments, a feeling will soon arise in favour of a law university, and the scheme planned by Vice-Chancellor Wood, and the other commissioners on the Inns of Court, will probably be carried out. Most sincerely shall we rejoice at such a consummation; and the more so because we are convinced that such a university must be established on the principle of embracing both branches of the profession within its pale, and making its ordinary degree the portal to the practice of the solicitor, as much as to the wig and gown of the advocate.

In this week's number of the *Weekly Reporter* appears the case of *Pigott* v. *Young*, in which it pleased Vice-Chancellor Kindersley to make some remarks to which, on behalf of the public, we must take exception. It is pronounced by the Vice-Chancellor that no report on any point, either of law or practice, is to be taken as notice of the rule laid down, unless it has appeared in one of the publications termed, for reasons rather obscure, the "authorised reports." Now, as in these days it is absolutely essential to practitioners, and consequently to the interests of suitors, that new points in law and practice should be made known as soon as possible, it is worth while to inquire, what is the average period thus marked out by the Vice-Chancellor as a reasonable time for the issuing of reports? On referring to vol. iv. part 2, of Mr. Drewry's "Reports," to which alone the Vice-Chancellor allows suitors to resort, it will be seen that having been published on the 18th of June last, it contains only one case not three months old, and that the majority are of more than six months', and some of a twelvemonth's bottling. Is it really advanced that in these days of celerity, the bar, the solicitors, and the suitors, are to wait months before they can have a report which may be quoted in the courts? Are we to

be told that we must abide a year's domestic incubation on the part of a respectable, and not over-hasty reporter, before we can venture to allude to decisions noted up for weeks in every lawyer's chambers, and read by thousands in periodicals of established reputation? Such an absurdity can never be tolerated. The names of the gentlemen of the bar given in the *Weekly Reporter* are sufficient security for the accuracy of their reports; but we repeat that it is on public grounds, and to avoid the pernicious consequences of irresponsible delay, that we repudiate, as we believe some of the ablest judges, both in common law and equity, are prepared to do, this antiquated notion of shutting the judicial eye to every report which is not very dear, and very slow.

The case of *Mallalieue* v. *Lyon*, tried during the last week, affords a painful proof that the Divorce Court is not the only outlet for family feuds. Mr. and Mrs. Lyon had everything that ought to give happiness—wealth, position, education, society. Over this fair promise there came an amount of misery which we should hope is rare in English domestic life. Mrs. Lyon, having been brought into a weak state by more than one miscarriage, took to the inordinate use of opium and stimulants. The husband seemed to think harshness the best cure, and after much suffering on both sides, the lady was put under the charge of a physician for treatment as a lunatic. On her recovery, which she seems to have owed to the kindness and skill of her medical attendant, Mrs. Lyon signed freely a deed of separation, by which she was well provided for, and all open quarrel was at an end. Recently, however, on Mr. Lyon's obtaining an accession of fortune, his wife applied for, and obtained, a monition for a restitution of conjugal rights. Whether this monition had been adequately complied with, and, consequently, whether the husband was answerable for the after-incurred debts of the wife, was the point substantially in issue. There is no doubt Mr. Lyon provided a house, and as little doubt that he greeted the lady who was to be its mistress, on her arrival at its threshold, with excessive harshness. His conduct he justified by accusing his wife; a line of argument for which, we believe, there is very ancient precedent; but the jury were of opinion that a house must be a *home* before a monition for the restitution of conjugal rights could be considered satisfied. The case was bad on both sides; if Mr. Lyon was unfeeling and unmanly, Mrs. Lyon was grossly extravagant, and we fear that her late proceedings were aimed solely at a share in her husband's accession of fortune.

BILLS IN PARLIAMENT.

The Bankruptcy Bill of the Lord Chancellor, though not very clearly explained on its introduction, seems to be a great improvement on the Government measure of last year. But the room for improvement was so wide that to say this, without some enumeration of the changes which Lord Chelmsford proposes to make, would not carry much with it. The Bill, then, purports to abolish imprisonment for debt, to fuse bankruptcy and insolvency, to obliterate, in a great degree, the distinctions between trader and non-trader, to do away with class certificates, and to give creditors a larger share of control over the winding-up of an estate than they enjoy at present. With the exception of the provisions respecting imprisonment for debt, which have been wisely adapted from Lord Brougham's Bill, the whole of these leading features of the measure are borrowed from Lord John Russell, and are the principles for which the Chambers of Commerce have for years contended. It is a great triumph for those who have taken a lead in the now prolonged struggle for bankrupt law reform to see so many of their opinions adopted in a Government measure, and we do not doubt that they will give a hearty support to Lord Chelmsford as far as he goes. But Lord John Russell's Bill, while doing everything which the Lord Chancellor proposes (with the only exception of that part of his measure which relates to imprisonment for debt), is far in advance upon other points, and will unquestionably be more popular. Nothing has fallen from the woolsack on the subject of local jurisdiction in bankruptcy, on which a number of provincial towns are determined to be heard. Nor is any hope held out of a real diminution of expense, by the abolition of unnecessary offices, and the transfer of the unjust burden of pensions and salaries now charged on estates to the Consolidated Fund. These and other shortcomings will compel the Chambers to take independent action. Lord John Russell is ready with his Bill, and there is no doubt that the Commons will refuse to accept the Government measure as it comes down, and will (probably by means of a select committee) collate it with the rival measure, and introduce serious alterations. We rejoice, however, that so decided a step has been taken by the Chancellor, and on this point, at least, he deserves some credit for throwing overboard the stereotyped notions which bankruptcy officialism is so bent on upholding.

We may mention that we have received a letter from a provincial solicitor, which we regret our inability to insert, on Mr. Lawrance's recent pamphlet on Bankruptcy. The writer recognises, as all must do, the ability, knowledge, and experience which so eminently qualify Mr. Lawrance to write on the subject; and he particularly eulogizes the remarks on publicity contained in the pamphlet. But at the same time he points out the want of appreciation of the enormous evils existent in the district courts, and of the hardships incurred, both by creditors and debtors, owing to the want of any really local courts. This latter question cannot be blinked; the provinces have the command of the House of Commons, and will assuredly make their weight felt.

Lord Campbell has introduced his promised Bill to amend the law respecting juries. The measure is confined entirely to civil cases, and provides that whenever a jury retire from court to deliberate on their verdict they shall be furnished with fitting accommodation, and, by leave of the Court, with necessary refreshment. The jurors are not to be kept in deliberation for more than six hours, unless at the end of that time they unanimously desire a longer period; and if they are then unable all to agree, the verdict of nine or more is to be taken, and to have the same force and effect in point of law as if given by the whole. If nine should not agree at the end of the time specified by the Bill, the jury are then to be discharged, and an entry of the fact to be made in the record. The costs in any such abortive trial are to be costs in the cause, and either party may proceed to try the issue again. Such a measure, we apprehend, will meet with the approval of a majority of the profession, among whom the defects of our jury system have lately been much noticed.

Lord Brougham has re-introduced the Bill which he brought forward last session for simplifying the transfer of land. The plan is founded on the same principle as copyhold conveyances, and we believe that it has been prepared by Mr. Fawcett, the solicitor who read a paper on the subject at the meeting of the National Association at Birmingham in 1857. The Solicitor-General brought in the Government Bills on this subject last night. Next week we hope to express our opinion upon them.

Mr. Edward Winslow, Master in Lunacy, having resigned that office, the vacancy has been filled up by the appointment of Mr. Higgins, one of the registrars of the Court of Bankruptcy. Mr. W. Carmalt Scott, barrister, succeeds Mr. Higgins as registrar. The salary of Master in Lunacy is £2000—that of Registrar £1000.

Mr. Wilde, Q.C., and the Hon. Mr. Campbell, are candidates for the borough of Hythe.

The Courts, Appointments, Vacancies, &c.

COURT OF BANKRUPTCY.

(Before Mr. Commissioner FANE.)

In Re Saunders.—Feb. 4.

The bankrupt was a saddler of Thame.

His Honour now gave judgment on the question of certificate. Having referred to the circumstances of the case, which are of no public interest, his Honour proceeded to say:—On the occasion of the examination meeting the solicitor to the assignees retained Mr. Sargood as counsel to aid him in examining the bankrupt, and the examination commenced, and lasted about five hours. The bankrupt had neither counsel nor solicitor to assist him, for all his assets had passed to his assignees, and he had no funds wherewith to procure legal assistance. This case was therefore one calculated to excite sympathy in the mind of every right-thinking person. The father was made bankrupt by his own son, and being deprived of all his property, and therefore unprovided with the means of procuring legal assistance, he had to meet the solicitor acting for the assignees aided by a gentleman of the bar, Mr. Sargood. The examination of Mr. Sargood was of a very searching, and, I might even say, a harsh character. I listened to it with pain, for, looking on the subject with the impartiality natural to a person performing judicial functions, I could not but see in a short time that the bankrupt was an honest man. His tone, his manner, the expressions he used, and even the accounts as filed, were all to an unprejudiced mind indications of honesty and simplicity; and as the examination proceeded the contrast between practised skill on the one side and simplicity on the other became more and more painful, and I felt it my duty to take a more active part in protecting the bankrupt than I should have thought it necessary to do had the bankrupt, like the assignee, been able to procure the assistance of counsel. In adopting this course I had the sanction of that principle recognised in the administration of criminal justice, which says that where the accused person is too poor to obtain the assistance of counsel the judge is his counsel. My interference and protection of the bankrupt seemed to excite no small resentment in those who were examining him, and I was treated both by the counsel and the solicitor with much disrespect. Whether I allowed momentary resentment to get the better of judicial equanimity or not, I can hardly say; but on the following morning I found myself denounced in a leading article in the *Daily News*, as a person who had disgraced the administration of British justice. How far such comments on the conduct of a judicial servant of the Crown were justified by the circumstances I must leave others to judge, but certainly such comments will never deter me from giving protection and aid to an honest and unfortunate bankrupt placed in so cruel a situation as Saunders was. The comments of the *Daily News* resulted in my receiving letters from many of the most respectable inhabitants of Thame, all declaring their sympathy for the bankrupt, and their respect for him as an honest tradesman whom they had known for ten, twenty, and some thirty years. Among the writers were the vicar, the churchwardens, and the medical practitioner of the place; the last gentleman said he had known him for fifty years. I am myself satisfied that he is as honest a bankrupt as ever appeared in this court. I sympathise with him in his misfortunes, and give him a first-class certificate, with entire satisfaction to myself, and I doubt not that his misfortunes will meet universal sympathy in the small community where he has passed his long life of honest industry.

INSOLVENT DEBTORS COURT.

(Before Mr. Commissioner MURPHY.)

INSOLVENCY OF BUILDERS.

In re Edward Thomas.—Feb. 8.

This insolvent, a builder, was opposed by Lawrence Levy, and a creditor named Price. Mr. *Sargood* supported.

It appeared that the insolvent, who had before taken the benefit of the Act, being without capital, dabbled in accommodation bills, to raise money at some sixty per cent., hence his insolvency. Mr. Commissioner MURPHY remarked on the number of builders who came before the Court. He could tell the history of their schedules—a plot of ground was taken, houses commenced, money raised, and in a short time the ground-landlords got the carcases, which they finished, and possessed the property. Such was the history of builders. The opposing creditor complained that the insolvent and other persons had issued bills, and they went into the market and the public lost their money. All the parties on the bills had been through the court, or were coming to the court. Mr. Lawrence Levy had "done" a bill of 46*l.* 10*s.*, giving 41*l.* on the representation to his manager, Levett, that the furniture in the insolvent's house belonged to him. Levett was called and confirmed the statement, on which the insolvent denied that he had ever made such a representation. Mr. *Sargood* apprehended that bill discounters and money-lenders were not a class to be encouraged. They took large interest as discount, and were generally considered before other creditors. The learned Commissioner said, it was all very well to talk in that manner, but the answer was, that a tradesman when he found himself in a difficulty requiring him to go to money-lenders should at once come to the court, and now the law was about to be altered such a course should invariably be adopted. He thought the case was one for the discretionary clause, on account of the bill transactions, but further evidence must be produced on account of the furniture.

The case was accordingly adjourned.

WESTMINSTER COUNTY COURT.

Scattergood v. Bennett.

A curious case was tried at this court at the instigation of the London Medical Registration Association, against a person whose real name appears to be John Gibson Bennett, but who passes under various aliases, and lives by the sale of quack medicines. The plaintiff is a young lady, who stated that about two years ago she was induced by the defendant to pay him five guineas to "cure her of deafness in ten minutes," in accordance with advertisements issued by him. The medicine he gave her only made her worse, and on going again to the pretended doctor she found that he had decamped. On going with a friend to a Dr. Walters she recognised in him the man who had obtained her money, and it has been since ascertained that he has passed under a variety of aliases.

Several witnesses were called, who proved to having been induced to pay money to the defendant for different quack medicines.

The defence set up was, that the defendant in this action is not the person who was seen by the plaintiff or by the other witnesses. He (the defendant) denied ever having seen them in his life, and said, that he had never resided at Leicester-place (the place where the plaintiff said she had seen him), but that his brother had lived there as an assistant to Dr. Coleston (the name under which the plaintiff said she had known him), and that in consequence of great personal resemblance a confusion had arisen. The brother was called, who corroborated these assertions. The previous witnesses, however, were certain of the identity of the defendant, who was condemned to pay the five guineas, and was given into custody for fraud.

Lord Campbell, in his letter to Mr. J. P. Collier, on the legal acquirements of Shakspeare, expresses his regret that in our time the once most respected word "attorney" seems to have gained a new meaning, viz. "a disreputable legal practitioner;" so that attorneys-at-law consider themselves treated discourteously when they are called "attorneys." "They now," says his Lordship, "all wish to be called *solicitors* when doing the proper business of attorneys in the Courts of Common Law. Most sincerely honouring this branch of our profession, if it would please them, I am ready to support a Bill to prohibit the use of the word *attorney*, and to enact that on all occasions the word *solicitor* shall be used instead thereof."

At the Clerkenwell Police Court, on Tuesday, John Morris Reed, alias John Campbell, Samuel Thompson, Ann Thompson, and Thomas Smith, who have for some time been carrying on business as "The Mercantile Loan Fund Association" (office, 2, Weymouth-terrace, New North-road, London), were placed at the bar on remand before Mr. Corrie, charged with "having, amongst themselves, and with divers other persons, unlawfully conspired, combined, confederated, and agreed, by certain unlawful devices, feloniously and fraudulently to cheat certain persons of their moneys; and with having, in pursuance of, and according to, the said conspiracy and agreement amongst themselves, obtained by such devices, of and from divers of her Majesty's subjects, their moneys, against the peace," &c. The court was crowded to excess. Several witnesses were examined, who proved having answered the prisoners' advertisements in the provincial newspapers for the loan of a sum of money, and the negotiations which followed. The Post-office orders were proved to have been presented for payment by the female prisoner. Mr. Corrie remanded the prisoners for a week, and said, that the case from Leeds had better be brought forward. He should refuse bail.

Testimonial to Sir W. M. Manning.—An influential meeting of Australian colonists, comprising Sir Henry Watson Parker, John Dobie, R.N., T. W. Smart, J. H. Challis, A. Fotheringham, George A. Lloyd, P. H. Flower, E. Morey, Robt. Willis, Charles Forbes, Edward Wise, D. Larnach, T. S. Mort, and — Leslie, Esqrs., assembled on Friday, Jan. 28, at the office of Mr. Serjeant Manning, Q.C., in Sussex-gardens, Hyde-park, to present to Sir William Montagu Manning the elegant and costly silver service purchased by the subscriptions of the inhabitants of New South Wales. The service was composed of a rich silver salver, presented by the bar of New South Wales; a magnificent épergne, accompanied with four dessert stands, representing spring, summer, autumn, and winter, presented by the colonists; the épergne bearing the following inscription:—"Presented to the Hon. William Montagu Manning, Esq., Attorney-General, upon the occasion of his retirement from office, by the colonists of New South Wales, in testimony of their sense of his valuable services during a lengthened public career, and of their respect for his great private worth. —Sydney, May 23, 1857." Sir Henry Watson Parker having presented the service in an appropriate address, Sir William Manning replied:—He said he gratefully accepted the testimonial. As long as life lasted it would be his most cherished possession; and when it pleased God to take him from this world, it would pass to his son, not as an inheritance from himself, but as a gift from the colony. He trusted, as Sir H. Parker had said, that it would be to that son an incitement to public virtue and private worth. He hoped it would suggest to him the duty of giving no inconsiderable portion of his time and attention to the welfare of the country in which Providence may cast his lot, and of remembering, that whether his opportunities were small or great, they would be a trust for which he would have to render account.

Universal regret is felt in Hamburg for the death of Professor C. F. Wurm, who, for the last twenty-five years, has been one of its most distinguished ornaments. His attainments as a scholar and as a linguist were of the highest order, and his mode of conveying to his students the knowledge which he possessed was both affectionate and successful, while his perfect acquaintance with all the intricacies and details of international law had acquired for him a fame in other countries which could only be surpassed by the high standing which he had acquired in his own. Professor Wurm was well known in England, and the valuable evidence which he last year gave before the committee of the House of Commons on the Stade dues will not fail to be appreciated of all by whom it was perused.

The Queen has been pleased to appoint J. H. Watson, Alphonse de Boucherville, Edward Martindale, David S. Ogilvy, and J. Ormsby, Esqrs., to be stipendiary magistrates for the Island of Mauritius; and Richard Weston Mara, Esq., to be Attorney-General for the Island of Antigua.

On Monday last Mr. Ransom, the assistant clerk at the Southwark County Court, attended before Mr. Burcham to draw his attention to a very important omission in the Act relating to Matrimonial and Divorce Causes, which rendered the discharging order inoperative. The 21st section of the Act provided that no order for protection should be operative unless it was entered by the registrar of the county court within the jurisdiction where the wife was living, but there was no provision whatever in the Act which called for any entry to be made in respect to an order discharging an order for protection. As the Act now stood, the discharging order therefore was useless. Mr. Burcham said, no doubt some member of the Legislature would take the matter up.

On Saturday, Pinto Percy was summoned before Mr. Yardley, at the Thames Police Court, for a nuisance in St. Ann's-street, Limehouse, caused by the manufacture of acetic acid and sugar of lead (oxalic acid), which filled the atmosphere with noxious vapours prejudicial to the comfort and health of the inhabitants. Mr. Bodkin appeared for the prosecution, and Mr. Sleigh for the defence. Mr. Yardley said, when the case was last before him, he had expressed an opinion that such cases as these ought not to be tried before a single magistrate; and that it was never intended by the Legislature to give a magistrate power, without the intervention of a jury, to close a manufactory upon which a large capital had been expended. He ought not to be called upon to try cases of such magnitude as this. Mr. Bodkin said, the Legislature had certainly given the magistrates power to suppress nuisances, and that the defendant's factory was a fearful one there could be no question. He should like to fall in with the views of the magistrate, if possible, and have the case tried elsewhere; but it must be recollected the inhabitants had suffered in their health and comfort by the nuisance. Mr. Sleigh said, there was a prosecution of his client several years ago, and suggestions were then made for carrying on the chemical works in a less offensive manner, and those suggestions were immediately adopted in the best possible manner and regardless of expense. His client had adopted every improvement and every suggestion made to him to carry on his works without their being a nuisance. After some discussion the further hearing of the case was postponed until Saturday, March 5th.

At a pension of the society of Gray's-inn, holden on the 26th ult., Mr. Joseph Thackwell, the first son of Lieutenant-General Sir Joseph Thackwell, G.C.B., was called to the bar. Mr. Thackwell was, until within the last few months, in the army, and is favourably known as the author of "The Second Sikh War," in which he served as aide-de-camp to Sir Joseph Thackwell.

Notes on Recent Cases in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law.*)

Injunction—Common Law Procedure Act—Equitable Plea.

Kingsford v. *Swinford*, 7 W. R., V. C. K., 215.

V. C. Kindersley has decided in this case that a court of equity will not compel a defendant at law to plead an equitable plea, but will, if he require it, grant an injunction to restrain the proceedings at law, in order that the whole case may be determined in Chancery in the same manner as before the passing of the Common Law Procedure Act.

The short facts of the case were these. The plaintiff in equity being indebted to the defendant in upwards of £4000, deposited a policy of assurance with him as security for the debt, and at the same time executed a deed of covenant, engaging to pay the premiums and keep the policy on foot. Afterwards, becoming embarrassed, he executed a deed of inspectorship and arrangement with his creditors, which the requisite proportion of creditors signed, and the inspectors indorsed a certificate that the deed operated as a release to the plaintiff. The defendant was one of those who came in under the deed, and he received three dividends accordingly. The deed of inspectorship contained provisoes that the assets should be wound up as in bankruptcy, but that nothing therein contained should prejudice the rights of creditors to enforce any mortgage, lien, or charge upon the estate, or proceeding against any person, as well as the plaintiff, liable to the creditors, or as indorsees, drawers, or acceptors of bills of exchange, promissory notes, or otherwise. The plaintiff, however, considering that his engagement as to the policy of assurance was at an end, surrendered the policy to the office; and the defendant brought an action against him on the covenant to buy the premiums. The plaintiff declined to plead the deed of arrangement as an equitable plea at law, not knowing what view a court of law might take of the effect of the provisions in the deed, and the Vice-Chancellor held that the Common Law Procedure Act, merely gave an option to the defendant at law, and did not impose upon him any obligation to plead an equitable plea, and if he did not choose to do so, the Court of Chancery would not refuse him relief. He therefore granted the injunction on the usual terms. When the cause comes before the Court on the equity reserved, some curious questions are likely to arise as to the effect of such reservations in deeds of inspectorship.

Divorce and Matrimonial Causes Act—Desertion—Property in Remainder.

In re Raindon, 7 W. R., V. C. K., 184.

In this case a married woman had been deserted by her husband, who had not been heard of for fourteen years. At the time of the desertion she was entitled to a legacy in remainder expectant on the death of a tenant for life. After the desertion the legacy fell into possession, and the trustees paid the money into court under the Trustee Relief Act. The woman obtained an order for protection from a magistrate, and now applied for payment of the legacy to her out of court as protected.

The Vice-Chancellor considered that the plaintiff was entitled to the order, under the 8th section of the Divorce, &c., Causes Amendment Act (21 & 22 Vict. c. 108), and directed payment to be made to her accordingly.

Injunction—Nuisance—Acquiescence.

Bankart v. *Haughton*, 7 W. R., M. R., 197.

Injunction—Ancient Lights—Waiver.

Archdeckne v. *Kelk*, 7 W. R., V. C. S., 194.

These two cases may be classed together as relating to kindred subjects. In the former suit, *Bankart* v. *Haughton*, the

defendant in equity had brought an action at law to recover damages for injury done to his stock and land by the plaintiff's copper works. The plaintiff then moved for an injunction to restrain these proceedings, on the ground that the defendant had acquiesced for several years up to 1853 in the existence of the works. It appeared, however, that since that year the number of roasting furnaces, from which the principal nuisance proceeded, had been increased, and injury had resulted and been proved at law. Under these circumstances the Master of the Rolls refused to interfere. His Honour observed, "It is impossible to contend that, because a man acquiesces in certain works which produce little or no injury, he can have no remedy if by the increase of those works he sustains severe damage. The utmost that can be said is, that the defendant impliedly assented to what was done at the time of his acquiescence, and to any necessary consequences thereof. To carry the principle further would be most injurious. It would follow, if the plaintiff's contention is right, that a partial obstruction of ancient lights would (if acquiesced in) give a right to obstruct them altogether."

In this case the assistance of the Court of Equity was invoked by the party committing the injury, and the Master of the Rolls refused to assist him. In the second case (*Archdeckne* v. *Kelk*) the application was by the injured party, and the point was somewhat similar to that put by the Master of the Rolls respecting acquiescence in the partial obstruction of lights. The question here was, how far the conduct of the plaintiff, in obstructing her own enjoyment of light and air, would estop her from complaining of her neighbour for a like encroachment. The plaintiff was the occupier of one of two adjacent houses in Grosvenor-square, the backs of which were in former times even with each other; but the defendant, who was the owner of the other house, proposed to enlarge his house by extending it several feet further back, so as to throw the plaintiff's house into the shade, and partially to obstruct the fresh air. The defence was, that the plaintiff had herself built a flue up the back of the house, which obstructed the light and air as much as the proposed extended building; and that this flue had existed for twenty years, and had only recently been taken down. But *Stuart*, V. C., held that, if the new building caused a greater obstruction of light and air than the flue, the Court would interfere to prevent it; and, as his Honour was of opinion that this was the case in the present instance, he granted the injunction. It was, however, only made till further order, to give the parties the opportunity of trying the case at law.

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law. Editor of "Lush's Common Law Practice," &c., &c.*)

I. IN BANC.

Insolvent's Schedule, sufficiency of.

Booth v. *Coldman*, 7 W. R., Q. B., 188.

To any cause of action for a liquidated demand which was properly inserted in his schedule, a discharged insolvent may, if afterwards sued in respect thereof, plead such his discharge in bar. The question in those cases where his exemption is disputed, has usually been, whether the subject matter of the action was fully and truly described by the insolvent in his schedule, as required by 1 & 2 Vict. c. 110. It has, for example, been held that an insolvent who has made himself a party (whether as drawer, acceptor, or indorser) to a *bill* or *note*, is bound, in his schedule, to state the debt thereby secured as then due to the person in whose hands the instrument in question was last known by the insolvent to be. (See *Sharp* v. *Gye*, 4 C. & P. 311; *Pugh* v. *Hookham*, 5 C. & P. 376; *Hodgson* v. *Harrison*, 3 W. R., Q. B., 104.) If the insolvent has received notice of any transfer, then a mistake seems not to be excused by his having forgotten the name of the new holder (*Lewis* v. *Mason*, 4 C. & P. 322); but when he has never had such notice, he may safely describe the bill as due to the party to whom it was originally given (*Reeves* v. *Lambert*, 4 B. & C. 214). With these authorities, the decision in the present case is perfectly accordant. The discharged insolvent was sued by the indorsee of a bill which the defendant had accepted; and of the indorsement over of which to the plaintiff, the defendant only became aware after his insolvency. In his schedule he entered the debt as belonging to the creditor to whom he himself had given the bill; and the jury having been asked whether such entry was made in good faith, and having replied in the affirmative, a verdict was directed at nisi prius to be entered for the defendant; and this ruling was supported by the Court.

Service under Articles—Degree of B.A. or LL.B., Effect of.

Ex parte Bradford, 7 W. R., Q. B., 188.

A very simple question was decided in this case, but one in which some of our readers may take an interest. It arose on the 7th section of the 6 & 7 Vict. c. 73, which allows an articled clerk to serve for three instead of five years (on certain conditions), provided he have taken his degree of B. A. within six years, or of LL.B. within eight years, after his matriculation; and provided also "that within four years after having taken such degree he bind himself to serve for the term of three years." The applicant in the present case applied to be examined after three years' service. He had taken both the above degrees at the London University, but unfortunately *while* and not before he was serving under articles. It was urged in his behalf that the intention of the Act was, that the articles should be entered into within a reasonable time of taking the degree, and that it was not material whether they were entered into before or after the taking. The Court, however, though allowing it to be a hard case, and stating the pleasure they would have felt in granting the application if it had been in their power to do so, unanimously refused the rule.

Arbitration, Agreement to refer Matters, &c.

Blyth v. *Lafone*, 7 W. R., Q. B., 189.

By the 11th section of the Common Law Procedure Act, 1854 (17 & 18 Vict. c. 125), it was enacted that whenever the parties to any instrument in writing, shall agree that existing or future differences between them shall be referred to arbitration, and any of such parties, or those claiming under them, shall nevertheless commence proceedings in law or equity against the other, or the rest, in respect of the matters so agreed to be referred—the action or suit so brought may (if certain conditions in the Act specified be satisfied) be stayed by the Court in which the action or suit is brought, or by a judge thereof. An application under this provision was made on the part of the defendant in the present case. It appeared that the agreement itself, for breach of which the action was brought, did not contain any "agreement to refer," but that such an agreement was made in writing by the parties afterwards, and before action. The Court, however, held that, in order to give them jurisdiction to stay under the above provision, it was essential that the agreement to refer should be contained in the instrument itself out of which the dispute arises, and on which the action is brought.

Service of Process on Joint-Stock Companies.

Towne v. *The London and Limerick Steam-ship Company (Limited)*, 7 W. R., C. P., 189.

This case should be noted as showing the practice in serving writs of summons, in actions brought against registered joint stock companies. By the 58th section of the Joint Stock Companies Act, 1856 (19 & 20 Vict. c. 47), any "summons or notice" may (as the general rule) be served by leaving the same or sending it through the post addressed to the company at their registered office, or by giving it to any director, secretary, or other principal officer of the company—a provision which appears to have been suggested by one, much to the same effect, contained in the Companies Clauses Act, 1845 (8 & 9 Vict. c. 17, s. 137). On the other hand, however, the Common Law Procedure Act, 1852, while it directs (s. 17) that the service of a writ of summons shall, where possible, be personal, provides a special mode of service (s. 16) with respect to "corporations aggregate," viz. on the "town clerk, clerk, treasurer, or *secretary*" thereof. In the present case, the defendants, supposing that the above-mentioned provision in the Joint Stock Act, 1856, applied to a writ of summons, served it upon one of the directors instead of the secretary; but the judgment signed in default of appearance was set aside by the Court, though without costs. It may therefore be taken as established law that in an action against a company registered under the Joint Stock Companies Act (and thereby becoming a "body corporate," see 19 & 20 Vict. c. 47, s. 13), the secretary thereof is the party to be served with process; and this, notwithstanding that at the date of the Common Law Procedure Act, 1852, "bodies corporate" with the incidents unknown to "corporations" at common law, which were given by the Act of 1856 to registered joint stock companies, could not have been in the contemplation of the Legislature; inasmuch as such "bodies corporate" were not created till four years subsequently.

II. AT NISI PRIUS.

Letters, Proof of Posting.

Smith v. *Osborn*, 1 Fost. & Fin. 267.

A useful case in reference to proving a letter to have been sent by post. It was ruled by the Chief Baron that in order to let in secondary evidence, it is only necessary to prove that the letter in question was given to a servant or other person to be posted, without any direct evidence that it was in fact posted, or received; it being, however, shown that at the time at which if posted it would have arrived, a letter did reach the house to which it had been addressed.

It is said by Taylor (2nd Ed. p. 156), that in the case of a letter properly directed, which is proved to have been either put into the *post office* or delivered to the *postman*, the law raises a presumption from the known courses of business in the postal department that it reached its destination at the regular time, and was received by the person to whom it was addressed. It has, however, usually been thought necessary to *prove* such a private course of business as to lead to the presumption that the delivery of a letter to A. B. to be posted will be followed by A. B.'s posting it (see *Hetherington* v. *Kemp*, 4 Camb. 193). The present case seems somewhat to loosen this practice so far as the authority of the Chief Baron is concerned.

Comparison of Handwriting.

Birch v. *Ridgway*, 1 Fost. & Fin. 270.

By the 27th section of the Common Law Procedure Act, 1854 (17 & 18 Vict. c. 125), it is provided, that comparison of a disputed writing with "any" writing, proved to the satisfaction of the judge to be genuine, shall be permitted to be made by witnesses examined as to the similarity. A question arose in this case, whether a document proposed to be put in to be compared with a disputed writing, in order to test the latter's authenticity, must be relevant to the issue on the pleadings; and the Chief Baron, after consultation with the other judges (who happened at the time to be sitting in error in an adjoining chamber), held that the relevancy of the document proposed to be put in was not material.

Parliament and Legislation.

HOUSE OF LORDS.

Friday, Feb. 4.

Juries and Indictments.

Lord Campbell introduced two Bills, one for amending the law with respect to juries; the other for the prevention of vexatious indictments.

Monday, Feb. 7.

The Law of Property and Trustees Relief Amendment Bill was read a second time, on the motion of Lord St. Leonards.

The Bankruptcy Law.

The Lord Chancellor, at some length, drew the attention of the House to the state of the law of debtor and creditor. He explained the nature of the existing law, both as it applied to bankrupts and insolvents, pointing out the anomalies of many of its provisions, and the difficulty at present experienced in securing its satisfactory working. In order to remedy the evils complained of, he proposed to abolish imprisonment for debt in all cases except where a debtor had absconded, or had acted in a dishonest manner. He further proposed to abolish the Insolvent Court, and to establish one court in lieu of the existing bankruptcy and insolvency courts, to be called the Court of Insolvency. Then came the question whether it would be possible to keep up the distinction between trader and non-trader. A demand had been made for the total abolition of the distinction which now existed, and after careful consideration, the Government felt disposed to accede to a considerable extent. They proposed that the non-trader should have the benefit of the Act—first, when he himself applied that his property might be distributed among his creditors; secondly, where he left the country, or remained abroad for the purpose of defeating his creditors; and, thirdly, where having a judgment against him by a creditor, upon a summons issued, he failed to satisfy that judgment. At the present moment the certificate of a bankrupt made him a free man, and gave him the whole of the property he might subsequently acquire; but, under the Insolvent Act, the insolvent executed a warrant of attorney, which might issue against any property he might hereafter acquire. He looked upon that as an unjust distinction; and the Bill, therefore, proposed that all the certificates granted in future should have the same effect as those now granted by the bankruptcy commissioners. It was also proposed that, at the first meeting of creditors for choice of an assignee, a majority in value of creditors might, if they thought proper, dispense with the official assignee, and appoint their own; but that, if the creditors required the experience of the official assignee, they might select him as trustee. The Bill also provided that, if the creditors wished to take the case out of the hands of the Court, they should be empowered to enter into a private arrangement for so doing. The distinction now drawn between different classes of certificates would be abolished, and only one certificate would be granted. Minor offences against the bankruptcy law would be dealt with by giving power to the commissioner to suspend the certificate for a maximum period of two years, but more grave offences would subject the bankrupt to a trial in a superior court. Other alterations would be introduced, but they were merely matters of detail. The work of consolidating the bankruptcy and insolvency laws he proposed to leave to a future period.

Lord Brougham said, that the Bill contained many of the provisions of the measure introduced by himself last session; such as the abolition of the distinction between bankruptcy and insolvency, and of imprisonment for debt. There were cases, such as of the eldest son of a landed proprietor, in which it would not be right to free altogether from debt. The classification of certificates formed no part of the original Bill of 1849, but was introduced at the suggestion of some London merchants; its working had been anything but satisfactory. Another Bill on this subject, framed by the mercantile community, whose delegates had come to a unanimous resolution at the late meeting at Liverpool, would soon be introduced into the other House by Lord John Russell. The official assignee should be paid partly by salaries and partly by fees, having a maximum beyond which his remuneration could not rise, and a minimum below which it could not fall.

Lord Campbell approved of much that had fallen from the Lord Chancellor, but was disappointed that the Bill was not to be a consolidating measure.

The second reading was fixed for Thursday next.

Tuesday, Feb. 8.

Jamaica Immigration.

Lord Brougham asked whether the Royal assent had been given to the Jamaica Immigration Bill, which had been hurried through the Colonial Legislature in a few days, and was fraught with dangerous consequences.

The Earl of Carnarvon said, the Bill had once been sent back to the colony; it had now been altered, and though still objectionable in some respects, was so far improved that it would receive the Royal assent immediately.

Lord Brougham, Earl Grey, and the Bishop of Oxford, all pointed out the evil of allowing the Royal assent to a measure which was objectionable in any respect.

Transfer of Land.

The Lord Chancellor, in reply to Lord Brougham, said, that the Solicitor-General was about to introduce an Incumbered Estates Bill into the House of Commons.

Lord Brougham then brought in his Transfer of Land Bill, similar to his measure of last session, and it was read a first time.

Thursday, Feb. 10.

Law of Property and Trustees Relief.

This Bill passed through committee.

Winding-up Acts.

The Lord Chancellor, on rising to place before their Lordships a Bill on the subject of the winding up of joint stock companies, shortly called their attention to the law. Until the year 1844 there was no Act regulating joint stock companies, and large associations of persons were governed by the same law as ordinary partnerships. This led to great inconvenience, especially when these companies were obliged to have recourse to the Court of Chancery. The Act of 1844 incorporated these companies, and gave them power to sue and be sued in the name of a public officer. In the same year an Act was passed for the winding up of these companies. That was essentially an Act for the benefit of the creditor. In the year 1848 provisions were made by Parliament for enabling a joint stock company to be wound up on the application of the shareholders. There were some other enactments passed shortly afterwards, which had the effect of greatly complicating the matter, and gave rise to that conflict of jurisdiction between the

Courts of Chancery and Bankruptcy which took place in the notorious case of the Royal British Bank. In the year 1855 the principle of limited liability was for the first time brought into the law, and in 1856 an Act was passed, under which the methods of winding up a company were increased. Two modes were provided—the one a voluntary, and the other a compulsory winding up. In 1857 an Act was passed to enable joint stock companies generally to register themselves with limited liability; and in 1858 the provisions of that Act were extended to joint stock banks. Insurance companies were excepted from the operation of the Act, because it was supposed that there was a peculiarity in the nature of their business which required that they should be excepted; and from the report of a select committee it appeared that it would be necessary to repeal the Act of 1844 before insurance companies were placed on the same footing as other companies. The various Acts which it was proposed to consolidate were thirteen in number. The leading feature of the existing Consolidation Act was, that only companies which had a share capital could take advantage of the Acts from 1844 downwards; and even as regarded the Act of 1856 companies wishing to take advantage of it had to observe all the regulations contained in the original act of the year 1844, a requirement which involved considerable expense. By this Act it was proposed to enable all companies, whether they had a share capital or not, to take advantage of the Act, to register, and to avail themselves of the facilities provided for winding up, in case it should become necessary. Thus the measure would embrace mutual building societies, mutual loan societies, and mutual insurance companies; for there seemed to be no reason why, if the Act of 1844 were repealed, insurance companies should be excluded from the operation of the Bill. There was a new description of company to which he ought perhaps to allude. Their Lordships were aware that, in the case of companies with unlimited liability, persons who wished to have dealings with them looked solely to the standing of those who constituted them; whereas, in the case of companies with limited liability, such persons examined whether or not the calls had all been paid, knowing that if they had, the liability was at an end. In this Bill a sort of intermediate company was contemplated—a company which guaranteed that, in the event of their winding up, they would contribute a certain amount beyond the shares towards the liquidation of debts. He was told that it was not very likely that such companies would be formed, but it had been thought desirable that every description of company should be brought within the operation of the Bill. He would not trouble their Lordships with any of the minute details of the Bill. It would be understood, from what he had said, that the proposed consolidation embraced all the provisions contained in former Acts, and that every kind of company was included in its purview; and the details would be reserved for the consideration of the committee.

Lord Brougham entirely agreed that the nature of these Acts warranted consolidation, and there could be no objection to take the opportunity of making amendments.

HOUSE OF COMMONS.

Friday, Feb. 4.

New Writ.

A new writ was moved for Dublin University, in the room of Mr. Hamilton.

Bankruptcy and Insolvency.

Lord John Russell gave notice of a Bill on this subject.

Criminal Law.

The Attorney-General gave notice that on that day fortnight he should move for leave to introduce a Bill for the consolidation of the criminal law of England and Ireland, and to place the law of both countries on that subject on the same footing.

The Occasional Services.

Mr. Walpole introduced a Bill to repeal the Acts relating to the services on the 30th January, 29th May, and 5th November.

Monday, Feb. 7.

Paul and Strahan.

Mr. H. Sheridan inquired, whether the Home Secretary intended to recommend the release of Sir J. D. Paul and Mr. Strahan from further imprisonment, on the ground that they had already been punished to the extent demanded by the law?

Mr. Walpole observed, that since the two convicts in question received their sentence a new Act had been passed, by which the term of imprisonment assigned to crimes such as they had committed had been reduced to three years. There was, however, no precedent for remitting penalties once awarded under the existing law in consequence of subsequent modifications. He saw some inconvenience in now taking a step which must practically result in establishing such a rule.

The Occasional Services.

Mr. Walpole, in moving the second reading of this Bill explained, that it had been found, on looking through all the Acts of Parliament relating to this subject, that there was a statute of Charles II. requiring the 23rd of October to be observed as the day on which the conspiracy for seizing the town of Dublin was supposed to have been discovered; that would also be included in the Acts this Bill proposed to repeal, in addition to those relating to the 31st January, 29th May, and 5th November.

Mr. Hadfield moved an amendment to postpone the Bill, but ultimately withdrew it, and the Bill was read a second time.

Endowed Schools.

Mr. Dillwyn introduced a Bill to amend the law respecting endowed schools, which is the same as his measure of last session.

Manor Courts (Ireland).

Mr. Whiteside brought in a Bill for the abolition of manor courts and the better recovery of small debts in Ireland. Before the institution of county courts in Ireland there were a number of manor courts, the constitution of each of which depended on the patent granted to the owner of the manor. Great evils grew up in these courts, which were corrected to a certain extent by an Act of Geo. III., but they still grew up, and continued until they had reached a point at which the present Lord Chancellor of Ireland described them as nuisances of the worst description, and that the only remedy for such a nuisance was its total abatement. It was the case that proceedings in those courts were not liable to stamp duty, and that induced persons to resort to them rather than to the county courts. It was proposed to do away with these courts, and to give the magistrates in petty sessions jurisdiction up to 20*s.*, with an appeal to the county court judge.

Sale and Transfer of Land—Judgments (Ireland).

Mr. Whiteside brought in a Bill to facilitate the sale and transfer of land, by simplifying and consolidating the law relating to judgments, and by providing for the protection of purchasers against Crown debts in Ireland. He said that, in ancient times, judgments did not affect land. In the time of Edward I. the statute of elegit was passed, which created judgments into a kind of hovering lien on all property, and though a man might sell part of his land, yet any judgments existing against him still hovered over the land. In the time of George II., judgments in Ireland were made assignable by law, and when a gentleman wanted to borrow money, which he often did in those days, he sent for a stamped deed, on the other side of which was endorsed a warrant to confess judgment, which judgment was capable of being assigned; so that, if it fell into the hands of a country attorney, he assigned it to a friend who brought it into the Court of Chancery, where ruinous costs accumulated directly, leaving the debtor no alternative but to borrow a fresh sum of money on a fresh judgment. After this a fictitious process was adopted, by which the land came into the hands of what was called a custodian. In 1835, Sir Michael O'Loghlen endeavoured to provide a remedy for this state of things, which proved a greater evil than the one it sought to remedy, for he gave power to creditors, instead of taking a moiety of the rents and profits of an estate, as was the case under an "elegit," to appoint a receiver over the whole. The next Act was called Pigot's Act, being the 3rd and 4th Vict., which was a step in the wrong direction, for it extended the lien to chattel interests, leaseholds, and terms for lives over which receivers were appointed, and the complication greatly increased. The result was, that in 1849 a committee of the House was appointed to consider the evils of the receiver system in Ireland. The Act of 12 & 13 Vict. was passed to carry out the recommendations of that committee, and he found in it a solution of part of the difficulty, for it was enacted, that where a judgment was not for more than £150 it should not be allowed to be a lien on land, and that not until execution had been delivered should it affect land, nor should a receiver be appointed. If this principle was good for £150, why should it not be good for £150,000? In making such a proposition one might be fortified by the report of the Real Pro-

perty Commission, in which it was said that the state of the law as regarded judgments against land was most objectionable, whether as regarded "elegit," or by making dormant judgments a continuing charge, which rendered land unsaleable; and they said that a judgment ought not to affect land till execution was delivered. Sir John Romilly, by an Act of 14 & 15 Vict., endeavoured to cure this evil, but his measure had produced a greater evil than before. The system which had been devised at a period before the Incumbered Estates Court was created was this. It was enacted that the judgment should no longer be a charge upon the land, but that the judgment creditor should make an affidavit in the office for Registering Deeds in Ireland, declaring his debtor to be possessed of certain lands, whereupon the affidavit was to be considered as a deed, of which the debtor was to be considered as the grantor, and the creditor as the grantee. By the next section of the Act this affidavit was turned into a mortgage as soon as it was registered, and thence this Act of Parliament came to be called the Judgment Mortgage Act. All the evils sought to be removed by the first part of the Act were continued under the second part, by which the judgment creditor could obtain a receiver. But recent decisions had proved this Act of Parliament to be totally inoperative. The intention of it was to give the original creditor who had obtained a judgment all the rights of a mortgagee; but it had been decided that he could only take the residue of the property, after satisfying all the charges which the debtor had laid upon it. This had been lately exemplified in an extraordinary case, where the creditor of a joint stock bank had obtained a judgment against one of the shareholders, and the Chancellor held it was not a mortgage. The result was, that no conveyancer in Ireland would allow any client to lend money on such a security. It was impossible to say what was the law on this matter, and the only remedy was to take the bold course of repealing all the statutes which related to it, and re-enacting whatever was useful at the present day, giving against the property of the debtor all the remedies which the creditor now possessed, but not admitting the judgment as a specific security on the land until the creditor had lodged an equitable execution, in the shape of a petition to the Landed Estates Court, for the sale of the property of the debtor. This was the only remedy it was now proposed to give; and it was one in accordance with the old principles of common law, as well as with the opinion of the real property commissioners, the evidence of several eminent witnesses, and the Bill which Lord St. Leonards introduced last year, by which it was provided that a judgment should not be a lien on the land until after execution had been obtained. The effect would be to get rid of the appointment of receivers under judgments, and to simplify the whole of those tranctions.

Mr. Malins congratulated the Solicitor-General for Ireland on this measure, which he thought would prove most useful in simplifying the law, and abolishing a monstrous evil. There might be a hundred judgments against a debtor, and it was absurd that a mortgagee should be required to see them cleared away before he could foreclose. A judgment ought not to be a lien on a landed estate, any more than upon the debtor's household furniture.

Receivers in Court of Chancery (Ireland).

Mr. Whiteside moved for leave to bring in a Bill for the abolition, in certain cases, of receivers of the Court of Chancery in Ireland. On this subject there had been several committees of inquiry, and their opinions had been very clearly expressed. It might be interesting to state, with regard to the operations of the Landed Estates Court, that since it was established, there had been sold no less than £23,933,566 worth of land. But a great quantity of land in Ireland still remained under incumbrances, and there were upwards of 1100 receivers of estates under the control of the Masters' office, every person who obtained a judgment being in the habit of applying for a receiver. The receivers were obliged to enter into recognisances, and each find two sureties, so that their estates and those of the sureties were involved in the Chancery complication. The effect had been to complicate the land of that country to such an extent as required a strong measure now to clear it. There had been eighty-four receivers appointed during the last year, and a stop must be put to the mischief. By the present Bill it was provided, that where a judgment was obtained, the appointment of a receiver should not be the rule, but the exception.

Lunatic Asylums (Ireland).

Lord Naas brought in a Bill to amend the law relating to lunatic asylums in Ireland. In 1856 a commission was issued to inquire into this matter. The commissioners visited all the lunatic asylums in Ireland, and examined all the officials and other persons acquainted with the treatment of the insane. They produced a very full report, and made some important recommendations, which it was proposed by this Bill to carry out, though not quite to the extent the commissioners proposed. This Bill only extended to the lunatic poor, and did not interfere with private asylums. Its main feature was the substitution of local authority for the central or governmental authority as to the management and erection of lunatic asylums. It proposed to repeal all former statutes relating to public lunatic asylums in Ireland, and would form a complete code in which every person connected with these institutions would at once be able to ascertain the nature and extent of his duties. The analogy of the English Act was adhered to so far as was consistent with the state of things in Ireland.

Highways.

Mr. Hardy brought in a Bill to amend the law relating to highways.

Tuesday, Feb. 8.

New Members.

Mr. Adams, for Boston, and the Lord Advocate for Linlithgowshire, took the oaths and their seats.

New Writs

Were ordered for the boroughs of Enniskillen and Greenwich, in the room of Messrs. Whiteside and Townsend.

Notices of Bills.

Mr. Mackinnon for a Bill establishing councils of conciliation between masters and workmen; Mr. M'Mahon for a Bill regulating the fisheries.

Elections.

The Attorney-General, in answer to Mr. Berkeley, said, that an early opportunity, probably when the Reform Bill came on, would be taken by some member of Government to state their intentions as to corrupt practices at elections.

Mr. Collins brought in a Bill to assimilate the time of proceeding to election and polling in England, Ireland, and Scotland; to limit the time of proceeding to election during recess, and for vacating seats by bankrupt members of the House of Commons; and for other election purposes.

Church Rates.

Sir J. Trelawny brought in a Bill for their total abolition; Mr. Alcock one for their voluntary commutation.

Pauper Settlement.

Mr. S. Estcourt moved for and obtained the appointment of a select committee to examine into the operation of the Act 9 & 10 Vict. c. 66, which enacted that no poor person should be removable who had resided five years in any one parish; and also the Acts 10 & 11 Vict. c. 110, and 11 & 12 Vict. c. 110, which provided that the relief given to such irremovable poor person should be charged on the common fund of the union. It was proposed to decide whether the provisions of the two Acts should be maintained, and under what conditions, or whether they should be superseded by some other provisions.

Sale of Poisons.

Mr. Walpole introduced a Bill to regulate the sale of poisons, founded on the Arsenic Act passed some years ago, which had greatly decreased the number of poisonings by arsenic. The Registrar-General's report showed that the number of cases of arsenic poisoning during the year 1857 was reduced to 27; whereas, in the two years 1837 and 1838, there were 185 cases, or 94 in a year. The Bill provided, that the person who sold certain poisons should be required to keep each article in a box or vessel labelled, in a conspicuous manner, with the word "poison," and that the article should be sold in a wrapper or cover also labelled "poison." Certain penalties were imposed for breaking this law, and power was given to the justices in session to order any constable to go into shops where such articles were sold, and to see that the law was duly observed. The object was chiefly to regulate the keeping and sale of poisons, so as to prevent the fearful number of accidents which had arisen from the sale of these articles. The other point was, the articles which should be included in the schedule as poisonous articles. The committee of the House of Lords had placed twenty-three articles in one schedule, and he did not know how many in the other. Now, it was impossible to expect that the business of chemists and druggists could be carried on with such regulations; and he had cut down the number of articles from twenty-three to thirteen, and should be glad to find that it could be still further diminished.

Thursday, Feb. 10.

NEW WRITS

Were ordered for East Worcestershire, the West Riding of York, and Hythe, in the room of Colonel Rushout, Viscount Goderich, and Sir John Ramsden.

COUNTY PRISONS (IRELAND).

Lord NAAS brought in a Bill to consolidate and amend the existing Acts (fourteen in number) relating to county prisons in Ireland.

STATUTE LAW COMMISSION.

Mr. LOCKE KING moved for a return of the expenditure of the commission, and the draughtsmen employed, in continuation of Parliamentary Paper No. 78, Session 1855. The commission had now sat six or seven years, and had done nothing. He asked the intention of the Government with respect to the commission, and also with respect to the consolidation of the criminal law.

Mr. HADFIELD seconded the motion, and commented on the unproductiveness of the commission.

Mr. WALPOLE thought that the commission had given the public much valuable information; but on the whole the Government were considering whether the commission might not be stopped for a time. With regard to the criminal law, the Bills of the Attorney-General would not only consolidate, but also amend, and would effect a great improvement in the statute law of both England and Ireland.

NEW ARRANGEMENT AS TO PRIVATE BILLS.

An arrangement has been come to in respect to private Bills before Parliament, which will come into operation this session for the first time, and which, it is believed, will conduce very materially to facilitate the public business. Hitherto it has been the practice to refer all Bills in the first instance to select committees of the House of Commons, and in some cases where great interests are concerned and the Bills are opposed, nearly the whole of the session is consumed before they pass their final stages in the House of Commons, and the consequence is, that while the Lords are kept without Bills for months, an immense number are thrown upon their hands at the end of the session, when time will not permit them to give that attention to them which they require, and which they would otherwise bestow on them. To avoid that state of things, and more nearly to equalise the work of these preliminary inquiries, it has been determined by the Standing Orders Committee that in the first instance fifty-four of these Bills shall be considered by committees of the House of Lords, and thus bring the Upper House into a working condition at the early part of the

Ireland.

DUBLIN, THURSDAY.

To the lawyer no period of the year can be more interesting than the first week of a new session of Parliament, especially at a time when the management of affairs is entrusted to a professedly law-reforming administration. Her Majesty's Speech last week gave some vague promises of forthcoming schemes for amendment of bankruptcy, criminal, and real property law—promises distinct enough to awaken general attention, and induce inquiry as to what the law officers really contemplated. This week, so far as Ireland is concerned, we at least can form an idea as to the intentions of those in power—for Attorney-General Whiteside has already explained most of the items of his budget, with a degree of candour which might well be imitated by those who are charged with certain English Bills to which so many readers of this journal are anxiously looking forward.

Mr. Whiteside's Bills are more remarkable, perhaps, for the comprehensiveness of their titles than for anything else. How startling, for instance, is the endorsement of his Bill, "further to facilitate the transfer of land!" How great the feeling of relief when we find in it nothing but a mild proposition for diminishing the operation of judgments, hitherto commonly registered as specific charges against land! The Irish law of judgments is in a state of confusion which is really indescribable. It will, therefore, be a decided advantage to have the subject simplified as proposed—by depriving judgments of all effect against the lands of the debtor until "equitable execution" is sued out upon them—in the shape of a petition for sale to the Landed Estates Court. Other Bills are prepared for the very useful purposes of abolishing the petty and vexatious Manor Courts, and of putting an end to the bad system of appointing Chancery receivers in cases where a sale of the property would be the proper remedy for the creditor to pursue. A Bill is also promised for amending the procedure, &c., of the Court of Chancery—although this was supposed to have been amply done in 1850, when the "Court of Chancery Regulation Act" was passed. After all, we suspect that the promised Bill will attempt nothing but the raising of a few salaries of ardent supporters of the Whiteside dynasty—who have of late been permanently located in the Court of Chancery—and the abolishing of a sinecure place—the Clerkship of the Hanaper, held by one of them who, after but a six months' tenure of office, is now expecting to be "abolished" on full salary. Such will be the chief results of a commission of inquiry which has just sat, and on whose recommendations are based, in all probability, the leading clauses of the Bill now about being introduced into the House.

Far more important will be the English Law Bills, whenever they make their appearance. Bankruptcy and insolvency will doubtless be assimilated, as they were in Ireland by an Act of last session; and the enormous charges which beset a proceeding in the Bankruptcy Court will be reduced to more reasonable limits. Criminal law may without difficulty be consolidated, for drafts of bills for that purpose have been in preparation for many years, and there is little scope for difference of opinion as regards details. But the sale and transfer of land, as connected with indefeasible title, is the great question of the session, affecting as it does both the public and the lawyers. Of this nothing can be said, until the leading features of the scheme are made public. We can, perhaps, form some idea of the interest which must be felt on this point in England, by observing the degree of curiosity manifested here as to the forthcoming measures of Secretary Walpole, and the Solicitor-General. The connection of the latter learned functionary with the subject is regarded as a good omen, as he is believed to be by no means enamoured of the "Registration of Title" project. Even were the matter resting with Secretary Walpole alone, it were hard to believe that he would persist in a scheme which, based upon false reasoning, would inevitably prove a failure, and which is emphatically disapproved of not only by the profession throughout England, but also by lawyers in Ireland, who have had peculiar facilities for forming a judgment as to the value of "Registration." That the solicitors of Ireland are not averse to improvement is demonstrated by their unanimous approval of the Incumbered Estates Court; but we question whether one in twenty of them would pronounce the "General Registry of Deeds," which has existed here for a century and a half, to be ought but a "delusion and a snare."

The Provinces.

AXBRIDGE.—*County Court.*—On Thursday, the 3rd instant, this court was opened at the Town-hall, when not a single case came on for hearing before the judge, who was presented, in a neat speech by Mr. Bruges Fry, the registrar, with a pair of white kid gloves, a fitting token of a maiden court. In acknowledging the gift, the judge observed that it was his wish that the registrar should appear in court in the usual appendages of wig and gown attached to the office. He considered it a proper compliment to the Court; it was usual in other courts, but had not been adopted in this court since it had been separated from Weston-super-Mare; but as regarded attorneys, he must leave it to them to exercise their own good judgment as to whether or not they would pay the respect due to the Court by robing in future.

BIRMINGHAM.—*The New Assize for Birmingham.*—At a meeting of the Town Council, on Tuesday last, the Town Clerk read a letter from Mr. Coleridge, the Clerk of Assize for the Midland Circuit, requesting a scheme pointing out the best district that could be found around Birmingham for the proposed new division of the county for a civil assize. The letter was written at the suggestion of the Under-Secretary of State, who desired it to be intimated that no new arrangement that might be made would take effect until the summer, though it was desirable that all the details and arrangements should be provided for at once. Mr. Coleridge said, it was not intended to include much of the county; indeed, the new division would consist of Birmingham and its suburbs, with any parishes that might be conveniently added.

New Magistrates.—With regard to this subject, mentioned in our last, at a meeting of the borough justices, a resolution was adopted to the effect that it was desirable to increase the number of magistrates, and a list was drawn up to be sent to

the Lord Chancellor for his consideration. The list is almost entirely different from one which has also been sent up by the Town Council.

DUDLEY.—Out of the whole of the business brought before the magistrates last Monday, there was not a single case of conviction or commitment, the like of which has not occurred during the last seventeen years.—*Birmingham Journal.*

HALIFAX.—*Nuisance from Chemical Works.*—On Feb. 1, at the Halifax Borough Court, Mr. Thomas Outram, manufacturing chemist, Greetland, was charged, under the 64th section of the Public Health Act, with creating an offensive nuisance near the Gas Works, Halifax, by the manufacture of sulphate of ammonia. The Town Clerk appeared in support of the information, and Mr. Blanshard for the defendant. The case occupied many hours in the hearing, but may be briefly stated as follows:—Some time ago defendant made a contract with the corporation to buy, for five years, all the ammoniacal liquor manufactured by the corporation in the process of making gas. Subsequently the defendant leased a plot of ground close by the works, on which he has erected premises to which the liquor is taken, and from which liquor he made sulphate of ammonia. The complaint, therefore, was, that in the making of this sulphate of ammonia the nuisance was created. Several witnesses, neighbours, testified that the smell from the works was most offensive; that it made them sick and vomit; and that frequently they had to get up in the night in order to let fresh air into their houses. Much scientific and conflicting evidence was adduced on both sides, and after a very lengthy trial the bench declared they considered the nuisance arose from Mr. Outram's works. No penalty was asked for, but an adjournment took place to allow an arrangement.

LEEDS.—*The Increase of Crime and the Inadequate Remuneration of Witnesses.*—The inadequate remuneration of witnesses, under the recent order of the Home Secretary, has received the consideration of the magistrates and the watch committee, both these bodies having, within the last two days, forwarded memorials to Mr. Walpole, praying for a revision and extension of the scale of payment to witnesses. Finding that a considerable number of undetected robberies had been committed in Leeds, the watch committee were induced to inquire how it was that the perpetrators of such offences were not more frequently apprehended. Mr. Superintendent Granhan offered an explanation to the committee, and as one grave reason why thieves were not more frequently and speedily brought to justice, stated that ever since the new table of fees came into operation there had been a notorious disinclination on the part either of prosecutors or witnesses to give evidence. Beside this, policemen in adjoining towns hesitated to take steps for the apprehension of criminals, because they knew that if they had to convey them to Leeds, the expense would be heavier than the allowance they would receive. Having discussed the remedy which they conceived ought to be applied, the watch committee determined to memorialise the Home Secretary with the view of obtaining a revision of the scale of payment to witnesses. A statement was drawn up, embodying their views, and forwarded by the Mayor (Sir P. Fairbairn) to the Home Secretary. His Worship also brought the subject before the borough magistrates, who adopted a similar memorial to the Home Secretary.

LEWES.—Much dissatisfaction prevails in Lewes and its neighbourhood at the manner in which the criminal law of the Court of Quarter Sessions for that district is administered by the noble chairman, the Earl of Chichester. His Lordship's notorious habit of inflicting solitary confinement with hard labour on persons tried before him for petty offences, has become quite proverbial in this locality, and is alleged as one of the chief reasons of the inhabitants of Brighton seeking to incorporate that town under the Municipal Act. Without any desire to impugn his Lordship's judicial capacity in other respects, we do most sincerely doubt the propriety of putting in practice the utmost rigour of the law on criminals for light offences.

LIVERPOOL.—*Breach of the Emigrant Passengers Act.*—At the Liverpool Police Court, on Saturday last, Captain Schomberg, Government agent at that port for the superintendence of emigrant passengers, appeared to complain against Messrs. James Baines & Co., for having on board the *Donald M'Kay*, on her passage from Melbourne to Liverpool with passengers, a quantity of hides, it being expressly forbidden by the Act that hides should be carried in a passenger ship; that a number of men, being passengers, were enrolled as part of the crew of the ship; and that the ship was not provided with the necessary provisions and stores, as prescribed by the Act. Evidence having been given to prove that there was hardly an article of diet fit for human food, the magistrate inflicted a fine of £10; and, in the case of the hides, a fine of £5 and costs.

Chamber of Commerce.—The ninth annual meeting of this body was held on Monday, Mr. C. Bushell in the chair. A report was read, from which we extract the following:—"It stated that the Council were preparing a Bill to amend the law relating to foreign debtors; and, with reference to the cental system of weights now used at Liverpool and elsewhere by the corn-trade, the Commercial Law Committee will report upon the advisability of having weights of five, ten, twenty-five, and fifty lbs. stamped as legal.

MANCHESTER.—*Extraordinary Bill Transactions.—Re John Bradley*, Feb. 7.—This was an application made in the Bankruptcy Court before Mr. Commissioner Jemmett, by Mr. Leresche, barrister, on behalf of the bankrupt, for his certificate. Mr. Seddon opposed the application on the part of Messrs. Boyd, creditors for £1000. He said, the bankrupt had given his acceptances (some of them signed in blank) to the amount of £9500, for the accommodation of some persons calling themselves a Starch Company; and the whole of his assets did not exceed £80, which was barely sufficient to pay the expenses of the bankruptcy.—Mr. Leresche admitted that the bankrupt had been guilty of great imprudence; but he had been victimised by others. He commenced business as an insurance agent; and in June last, three persons, named Seward, Kingchurch, and Smith, from London, appointed him as agent for the London Starch Company, at a salary of £200 a year, of which they represented themselves to be directors, to sell the shares of the company in Manchester. However, Manchester did not prove to be a good market for the shares, and, as the company required money to pay for the contracts into which they had entered, Seward, Kingchurch, and Smith, induced the bankrupt to give them his acceptances, promising to deposit with him shares in the company of equivalent value. The Commissioner said that this was one of the grossest cases of swindling that had ever come into his court, or that had ever been introduced into Manchester. Between September and December of last year the bankrupt had accepted bills for upwards of £9000, to be circulated in this district and in London. One of these, for £1800, had been discounted at full value. Another, for £1000, was discounted in the same way by Messrs. Boyd. What would become of the other bills he did not know, but it was clear that they were in the market. The bankrupt, in his defence, had alleged that he was swindled, inasmuch as he had received no deposit of shares, as promised. But was that any excuse? If a man undertook to act as agent for a company, was that a reason why he should put his name to bills for £9000, when he had not £90 to meet them? There could not be any excuse for such conduct. It was evident that directors and agent had all combined to defraud the public by means of these fictitious bills. Under these circumstances he should suspend the bankrupt's certificate for twelve months, without protection, and at the end of that period it would be granted of the third class.

SOUTH SHIELDS.—On Wednesday, February 2, the quarterly meeting of the Council was held in the Town-hall, the Mayor, J. Williamson, Esq., in the chair. The Committee of Finance reported that the Town Clerk had been in correspondence with his law agent in London, with regard to the Local Government Act as affecting the assessment for district rate. The Local Government Act supersedes the Public Health Act. The Local Improvement Act, procured by the corporation in 1853, incorporated many of the clauses of the Public Health Act; and the question submitted by the Town Clerk for the opinion of the Council was, how far the Local Government Act affects the local Act, as embodied in the clauses of the Public Health Act, the collection of the general district rate, or whether, as matters now stand, the special district rates should be absorbed in a general district rate, the whole town giving mortgage for special sewerage purposes, or that the rates and responsibilities be special as heretofore.—*Newcastle Chronicle.*

WAKEFIELD.—*Novel Ground of Appeal against a Poor-Rate.*—At the petty sessions at Wakefield for hearing appeals against poor-rates, one of rather a singular character was decided on Monday last. Mr. B. Burnley, of Methley, was the appellant, and the overseers of that parish were the respondents. Mr. Blanshard appeared in support of the appeal, the grounds of which were as follows:—On the 1st of November last a poor-rate was laid for the parish of Methley, and the amount claimed of appellant thereunder in respect of two collieries was 69*l.* 15*s.* 10*d.* On the 10th of June, 1858, the men employed at those collieries "struck," and for twenty-five weeks after that time the pits had been worked at a loss, and consequently

during that period, and for some further time after the laying of this rate, the proprietor had had no beneficial interest in them. Mr. Blanshard admitted that he could not quote any case precisely on all-fours with the present, but he contended, nevertheless, that an appeal under the circumstances would lie. For the respondents, Mr. Barrett argued that the "strike" was the fault of the appellant himself, who wished to reduce the wages of his men, and that his property, therefore, ought not to be exempt from the full amount of poor-rate. In giving the decision of the bench, the chairman said that the Court were of opinion that an appeal would not lie for a partial or casual loss of the nature complained of, and they therefore should confirm the rate.

Wolverhampton.—*Costs in Vagrancy and similar Prosecutions.*—On the question of costs, in a case of vagrancy, tried at the police court, on the 3rd inst., Mr. Leigh observed, that in such cases, in Birmingham, the costs were paid out of the Borough Fund, and suggested that a similar course should be pursued in Wolverhampton. In vagrant and assault cases where the prosecutor was in indigent circumstances, the fees had never been exacted. He considered that the Town Council, as the guardians of the public, had the greatest interest in prosecutions of this nature, and there was no question of the power of the Town Council to order payment. There was another great grievance, in the case of medical and other witnesses. A surgeon was called the other day as a witness in a prosecution for rape. His evidence was material in the proceedings before the justices, but not material for the trial at Stafford. On application to the watch committee for his expenses, the reply was, that they had no funds. Under these circumstances, he could not call a medical man to attend again, and the consequence would be that the magistrates would have to decide on imperfect evidence. On another occasion, half-a-guinea was ordered to a medical witness out of the poor-box, the magistrates having no other fund at their disposal. Mr. Underhill said, he should be happy to bring the subject before the Town Council.

False Weights and Measures.—Several cases of illegal weights and measures have been brought before the justices of this town, and in many instances the guilty persons have been severely punished for their nefarious practices. We cannot too much reprobate this growing evil in all large towns, where the poor alone are made the victims of a base and cruel imposition. In all cases where the parties are found guilty, the utmost severity of the law should be inflicted, which would operate as a solemn warning to themselves and other dealers in like commodities, against the disgraceful and dishonest practice of defrauding the public, in the most flagrant manner, by means of an unsuspected false pretence; for it may be safely inferred, that, in the great majority of cases, when the balance is against the consumer, the defendant has a guilty knowledge of the fact. It is ridiculous to suppose for a moment that weights and scales can, in a comparatively short period of time, by limited use, become so accidentally impaired as to be the means of favouring the dealer unconsciously to a great extent. Neither is it at all probable that pewter or earthenware measures should become counterfeit by being in constant use, or manufactured so without a motive. In the case we allude to, a number of publicans were summoned for having in their possession a number of stoneware quart and pint jugs of less capacity than the imperial standard. Though the law as it stands cannot affect either the potter or the crockman, yet it must be admitted that a great deal of culpable negligence lies at the door of both; and in many instances, we have no doubt, the honest dealer is easily tempted to become rogue. The bench very properly fined the defendants.

Communications, Correspondence, and Extracts.

POST-OBIT BONDS.

To the Editor of The Solicitors' Journal & Reporter.

Sir,—Will you allow me, through the medium of your Journal, to remind the public of the unsatisfactory state of the law with regard to post-obit bonds, and to show that it is desirable there should be a law requiring such bonds to be registered within a certain time before the death of the obligor, or some means taken whereby the ends of any person disposed to forge the signature of another to a post-obit bond may be defeated during the life-time of such other person. I will state a case which has lately arisen within my own knowledge, and which was a few weeks since tried in either the superior courts or in one of the London county courts. The case was as follows:—Upon the death of A. a bond was produced by B., in which A. appeared as obligor for the sum of £1000 payable to B. on his (A.'s) decease. B., of course, alleged the signature appearing on the face of the bond to be that of A.; and in order to prove, what the representatives of A. were convinced of, on the production of the bond, i. e. that no such bond had ever been given by A., and that the signature was a forgery, it was, of course, necessary to take the case into the courts, which, as I before said, was done; and as it happened in this case, abundant evidence was forthcoming to prove the forgery of A.'s signature. The holder of the bond turns out to be a man of straw, and unable to pay costs.

There are few things easier than for a person with no character to lose, to prepare post-obit bonds, and as in the case I have stated, forge thereto the signature of any person with whom he may have had business transactions.—Yours truly, H.

DIVORCE COURT.

To the Editor of The Solicitors' Journal & Reporter.

Sir,—The inadequacy of the present system of the Divorce Court to meet the exigencies of the suitors is becoming more, and very painfully, apparent; and the experience of the past six or eight months has placed it beyond a doubt that additional judicial strength is indispensable.

The letters which have lately appeared on the subject in the *Times* detail cases of grievous hardship on suitors, such as ought never to be permitted to occur again.

To these cases of grievance I can add another within my own experience; it is that of a petition presented some eight months since, which was placed by the officers of the Court high in the list for hearing on the 26th of last November, on which day the petitioner, as in duty bound, presented himself in Court with his witnesses, all of them having travelled some 200 miles for the purpose. After a stay of a week in town, and of daily attendance on the Court, they were dismissed to their homes by the full Court terminating its very brief sittings without having been able to give the case a hearing. On the 1st of February, the petition being again in the paper, the petitioner and his witnesses took another journey to town, and continued in due attendance on the Court until the end of the four days, during which the full Court sat, when they were again dismissed without a hearing until April next; and when the expenses of subpœnas, refreshers, railway fares, tavern bills, &c., will have to be for the third time incurred.

The case when heard will, judging from similar preceding ones, occupy the Court something less than an hour, yet even that hour's attention the petitioner has not yet been able to obtain.

This state of things surely will not be allowed to continue, for the Legislature which has called into existence this new form of remedy, must feel it incumbent on itself to place the remedy in a less dilatory and costly shape before that portion of the community which may be so unhappily situated as to be obliged to have recourse to it. As to the modes of doing this there seem to be only two—either to require the judges to sit more frequently in full court, or, if that will too far derange the business of the court to which those judges respectively belong, to create fresh judges exclusively for the business of the Divorce Court.—I am, Sir, your obedient servant,

Feb. 10, 1859. A Solicitor.

A FRENCH LAWSUIT.

A lawsuit of no ordinary interest is expected to occupy the attention of one of the civil courts next week. All the money-lenders of London will remember that some twelve years ago Prince Louis Napoleon, when desperately hard up, was continually endeavouring to raise the wind upon a mortgage of alleged claims upon the French Government in respect of the property of his mother, Queen Hortense. Prospectuses setting forth his title to countless millions, which he offered to the public in shares of convenient amount, were profusely circulated, but met with small favour from the monied interest, either in Houndsditch or elsewhere. It is, however, now stated by MM. De Cock & Terwangue, bankers, of Antwerp, plaintiffs in an action brought against his Majesty Napoleon III. in his own courts, that in 1847, one M. Aristide Ferrère obtained from Prince Napoleon, for valuable consideration, an assignment of all his (the prince's) rights and credits against the French Government, as the representative of Queen Hortense, his mother. Pursuant to this assignment,

title deeds valued at 10,000,000 francs were deposited with M. de Prima, a French notary in London. M. A. Ferrère, in order to render his security readily negotiable, divided the ten millions into one hundred shares, of 100,000 francs each. Two of these shares were deposited with the plaintiffs by way of mortgage, for money owing to them by Ferrère. Ferrère has never paid his debt, and now Messrs. Cook and Terwangue, availing themselves of the French law, which allows the sovereign to be sued in the civil courts, like any other citizen, bring their action. One difficulty in their way is, that, in 1852, the Prince President, when he confiscated the property of the Orleans family, declared in the *Moniteur* that he would release the State from all his claims to his mother's fortune. The plaintiffs contend that this release cannot be binding on them as purchasers for a valuable consideration; but that, at all events, the Emperor having cancelled the shares which were negotiated with his sanction and privity, is personally liable to them. On the other hand, the validity of the assignment to Ferrère is contested by the Emperor.

Review.

The Common Law of Kent; or, the Customs of Gavelkind. By THOMAS ROBINSON, Esq., of Lincoln's inn. A New Edition, by J. D. NORWOOD, Solicitor. Ashford: Henry Igglesden. 1858.

This book is, on the whole, a useful reprint of a learned work, on a subject of much interest to legal students, and not without considerable practical importance to lawyers. As there seems little prospect that the recommendation of the Real Property Commissioners, made many years ago in favour of the abolition of gavelkind, will be at present carried out, it is necessary that a knowledge of the peculiar law incident to Kent, and to some other parts of England and Wales, should be kept up. Mr. Norwood has, no doubt, had experience as a practising solicitor in what has been termed the common law of his county, and he has added to the book some precedents of feoffments by infant heirs in gavelkind, &c. We can hardly approve of the sweeping curtailment in some particulars of Mr. Robinson's original work, for the subject is one which preeminently demands minute and accurate study, and nothing should have been omitted which could throw light on the history of the old form of tenure; but, on the whole, we think that Mr. Norwood has discharged his task fairly.

Societies and Institutions.

LAW AMENDMENT SOCIETY.

On Monday a paper was read at this society, Lord BROUGHAM in the chair, "On the Office and Duty of Coroner," in which the author (Mr. Dempsy) recommended the entirely remodelling, by Act of Parliament, of the whole system in this ancient office, and a great extension of the duties of the coroner. Although the law held the coroner responsible, under pain of fine, for holding inquiries when called upon, yet county magistrates had been in the habit, in many counties, of disallowing coroner's fees; and to such a serious pitch had this system arrived, that inquests had not been held in cases where the law imperatively demanded them. Very recently such a state of things was brought under the notice of the Home Office as occurring in Kent. He would have the coroners salaried, and not paid by fees, and he would give to the coroner's court a supervision over chemists and druggists in the sale of poisons and drugs; and the adulteration of food, as being injurious to the public health, should be an indictable offence through the Court at the quarter sessions. Investigations on all sanitary matters should be left with the Court, and parochial officials should be severely dealt with where death arose from their neglect, cruelty, or indifference. The author further proposed an important change as regards infanticide and concealment of birth. A case of infanticide was, under existing circumstances, very hard to prove; but he would check infanticide by obtaining a more wide definition of concealment of birth, and punishing severely for the minor offence. In Scotland the law was much clearer on this subject, and there could be no doubt a large population was thereby saved; it being there held to be concealment of birth not only where the body was concealed after death, but where the mother concealed her pregnant condition for a certain period before confinement. He also proposed to abolish inquiry into the state of mind of persons who had committed suicide, and to establish a coroner's system in Scotland.

Mr. HASTINGS considered the question one that affected the whole kingdom, for the health, safety, and welfare of the people hung upon the proper administration of the coroner's court. The interference of the magistrate was likely to lead, and, in fact, did lead to very serious results. In Staffordshire the magistrates were in the habit of cutting down the coroner's fees, and determining what inquiries ought or ought not to be held; and it was a singular but telling fact that, after the first order was issued, crime increased, and William Palmer commenced his notorious career. With respect to the law of infanticide, it was to be regretted that it was not better defined, and an alteration such as alluded to in the paper just read would be attended with much public benefit. As the law now stood, the prosecution must prove that the child was wholly extruded from the body of its mother, and had an independent living existence, at the time the violence was committed. To prove this was in 99 cases out of 100 a medical impossibility; and the crime had now become so frequent as to demand an immediate alteration in the law.

Mr. DEMPSY laid before the meeting the heads of a Bill he had drawn up. This proposed to repeal all old Acts and portions of Acts touching the coroner's office, at the same time consolidating the important principles and precedents involved. The new measure would specially provide for the election of properly qualified coroners and deputy coroners, and their salaries, the prevention of magisterial interference, the arrest and bailing of persons accused on suspicion, prosecutions for infanticide and concealment of birth, &c. The powers of the Court would be more clearly defined, fines allowed to be imposed where there was culpable carelessness not amounting to criminal liability, and investigations were to be held where any sanitary evils injurious to the public health existed.

Mr. HENRY ALLEN said, that in the biography of the late Baron Alderson, published by his son, allusion was made by the learned baron to the law of infanticide, and after a long experience, he gave it as his opinion that the punishment should be altered from death to long imprisonment, in order to repress it more effectually. As regarded the law of coroner, he (Mr. Allen) considered that there were many points of great value in the paper that had been read, in which they would all concur. He thought that it was highly desirable that the coroner should be able to admit to bail, and his not having that power led to great injustice, especially in the country, where a poor person, not having the means to appear before a judge in chambers, had to remain in gaol until the judge went the circuit. In a case that had recently come under his notice a man lost his life in a fight, and the coroner's jury returned a verdict of "manslaughter" against a certain party. Upon this, the coroner, not having power to bail, committed the accused to gaol, where he remained until the assizes, when he was acquitted.

Lord BROUGHAM.—Can there be anything more absurd than that the coroners should not have power to admit to bail while the magistrates have?

Mr. WAKLEY (Coroner) said, that with respect to the question of coroners having power to bail, he had a case in point sub judice. A few days since a jury returned a verdict of "manslaughter" against a man, in an investigation held in the Hampstead-road. The accused had been taken before a magistrate, and was committed on the same charge, bail being taken for his re-appearance at the Old Bailey to take his trial; but he (the coroner) had no power to bail him, and his duty, according to law, was to send the party upon the finding of the jury to Newgate, to await his trial, and he would, of course, have to issue his warrant accordingly. This question respecting the coroner's court was an exceedingly great question; it affected the rights of juries and citizens. It was important, he conceived, that inquiries such as the coroner's should be instituted by a jury of the inhabitants in the immediate neighbourhood of the case calling for judicial interference. What could be more satisfactory than that the citizens themselves should conduct such inquiries? The office itself had, through all ages, been looked upon in this country as an important one, and it was such an old institution that it was not known when its functions commenced. In the "Mirror of Justice" it was recorded that the coroner's jury had to go to the gaol after a person had been executed on the scaffold, to see that the law had been carried out. Then no person died in gaol without an investigation taking place before a coroner and jury; and before 1822, so jealous were our forefathers of the life of every individual, that the jury were composed half of prisoners and half of citizens residing without the gaol. That system was now altered, but he (Mr. Wakley) in all inquests held in gaols made it a point to prevent any magistrate being present, the governor, or any of the gaol officials, while prisoners were being examined, in order

that they might give their evidence freely and without restraint. What was the consequence to the coroner, however? If his inquiry was too searching into the treatment or dietary of the prisoners, the magistrates would consider that he was an exceedingly troublesome fellow; they could not strike off in his account the fee for this particular case, but they would go to other parts of his district and strike off his fees. The coroners should be as independent as the judges on the bench, and he felt assured that if the coroners did their duty throughout the United Kingdom, many abuses that now occurred would not happen. He then referred to the great protection thrown around lunatics and the inmates of workhouses by the coroner's court, and argued that such an office was a certain preventive of crime, for its inquiries sprung up suddenly without the slightest warning. Upon the slightest rumour, an inquiry could be demanded by any individual, and therefore a person intending to commit a crime would be deterred, from a dread that the neighbours would call for an investigation on the spot. He considered that Palmer was influenced in a great measure to commit the wholesale murders that he did, by his knowledge of the prohibitions placed upon the coroners of the county by the magistrates some time previously; and it was his belief that had an inquest in some simple case taken place a few doors from Palmer's immediately before he set his murderous designs in operation, he would have been shaken in his intentions, for fear an inquest might be held on one of his victims.

Mr. VAUGHAN said, that the whole subject deserved consideration, especially as regarded the serious charges made against the justices by Mr. Wakley with respect to their interfering with the independence of coroners. This was a grave matter, which he trusted would be fully investigated in committee. The necessity of two inquiries on one subject, viz. by the magistrate and the coroner, was a question for consideration; for it seemed that this only produced a jarring authority, and he thought, as a matter of convenience and expense, that one investigation would be sufficient.

Mr. FITZPATRICK said, that he was a member of the Irish as well as the English bar, and from all the experience he had had in the matter, he was in favour of stipendiary magistrates in place of coroners.

After some further discussion, a committee was appointed to consider and report upon the matters contained in the paper, and the meeting then adjourned.

INCORPORATED LAW SOCIETY.

We have already informed our readers that the President, Vice-President, and Council of the Incorporated Law Society, on Thursday evening, the 20th ult., entertained at dinner the following distinguished guests:—The Right Hon. the Lord Chancellor, the Right Hon. Lord Kingsdown, the Right Hon. Spencer Horatio Walpole (one of her Majesty's Principal Secretaries of State), the Right Hon. the Master of the Rolls, the Right Hon. the Lord Justice Knight Bruce, the Right Hon. the Lord Justice Turner, Sir George Rose, and Sir Arthur Denman Croft, Bart. (one of the Masters of the Court of Queen's Bench, and one of the Examiners for Hilary Term); and that the President, John Young, Esq.; the Vice-President, John Irving Glennie, Esq.; and nineteen other members of the Council, were present.

We then expressed a hope that we might be enabled, in a future number, to give our readers the substance of the speech of the President in proposing the health of the Lord Chancellor and the other distinguished guests; and we have not been disappointed. We believe the President expressed himself to the following effect:—

"Mr. Vice-President,—Toasts and speeches, Sir, as you are well aware, form no part of our ordinary proceedings on occasions like the present. To borrow from neighbouring regions a phrase, not altogether unfamiliar to our ears—they are not 'according to the course of the Court.' One toast, indeed, we permit ourselves to give, but only one—that toast which, whenever and wherever Englishmen assemble for festive purposes, is the expression, not of mere lip-loyalty, but of that homage of the heart, which we delight to render to the illustrious Lady, under whose mild and tempered sway it is at once our privilege and our happiness to live. But this, Sir, is not an ordinary occasion, and if I need an apology for departing somewhat from our usual course, I shall find it in the unusual circumstances which accompany our present meeting. We are honoured to-night—and I use that word in its widest sense, desiring to give it all the force and significance of which it is susceptible—we are honoured, I say, by the presence of several most distinguished Guests, first amongst whom is the noble and learned Lord on my right, the Lord High Chancellor of England. Occupying, as he does, the foremost place in the Councils of the Crown—standing at the head of the great Profession to which, in its several ranks and degrees, all who are present this night belong—presiding over the deliberations of that august Assembly, of which he is himself one of the living ornaments, and which enrols in its ranks whatever is most illustrious and dignified in Church and State within these realms—the noble and learned Lord's exalted rank and station, his high official dignity, and the great functions and attributes with which he is charged, would suffice to assure to him, at all times and in all places, but especially in an assembly of Lawyers, the utmost possible respect and deference. But rank and station, and official dignity, and great functions and attributes, are not the noble and learned Lord's sole 'Titles of Honour.' These belong to his Office—he possesses others personal to himself. There are some now present, who can recollect the whole of the noble and learned Lord's career at the bar, from its commencement to its close; all of us are familiar with some portions of it, more or less considerable; all of us are familiar, too, with the manner in which the noble and learned Lord has borne himself throughout that long and bright career. We well remember his fearless devotion to the interests of his clients, his spotless honour, his kindly and genial temper, his facility of access, his unvarying courtesy—a courtesy as simple and unaffected as it was unvarying. And when the noble and learned Lord became the acknowledged leader of the bar of England, all men felt, that the mantle of his illustrious Predecessors had fallen on no unworthy shoulders, and that the glorious traditions which he had inherited from them, he would transmit to his Successors, untarnished and unimpaired. This career has at length been terminated by the elevation of the noble and learned Lord to the highest dignity in the power of the Crown to bestow—an elevation purchased by no unworthy arts—by no base compliances—by no sacrifice of principle to the lust of place and power; but admitted by the unanimous voice of the Profession and the Public—I was about to say, alike by friend and foe, but amongst the noble and learned Lord's varied accomplishments, he has failed to acquire the art of making foes—admitted, however, by all men to have been fairly won in the manly and generous rivalry of the Public arena. But, let me not forget one circumstance, which renders the noble and learned Lord's visit to-night the source of peculiar gratification to us. For many years this society enjoyed the great advantage of the noble and learned Lord's advice and assistance, as its Standing Counsel. It is not often that we appear before the Courts. We never do so, except in cases affecting the general welfare of the body to which we belong. And on all such occasions, we felt that to no hands could the honour and character of our branch of the Profession be so fitly entrusted, as to those of one who so well sustained the honour and character of his own. On all these grounds, then—public, professional, personal—we rejoice to see the noble and learned Lord amongst us to-night. We receive him with all the respect due to his great Office, combining, as it does, the authority of the State with the majesty of the Law; but we greet him with a heartier and more affectionate welcome, because, while we honour the Statesman and the Judge, we admire, we esteem—aye, if he will permit me to say so, because we love the Man.

"But, Sir, we are also favoured to-night with the company of another most distinguished guest, the noble Lord on my left, my Lord Kingsdown, with regard to whom I feel myself in this dilemma—that, whilst it would be as difficult to say too much in his commendation, as it would be injurious to your feelings, as well as to my own, to say too little, I fear that whatever I may say on that subject, be it much, or be it little, will be displeasing to the noble Lord himself. In this instance, the noble Lord, if he will allow me to say so, scarcely displays the usual serene impartiality of his judicial mind; for while no man living is more willing to bestow praise and honour on others, where praise and honour are due, no man is less willing to receive that tribute of honour, which is so eminently due to himself. Here, then, is my difficulty—to reconcile the duty I owe to you, as your Chairman, with my desire to please—or, at least, not to displease—the noble Lord, as our guest. Moralists tell us, that to balance between conflicting duties is part of the moral arithmetic of life. This balance I shall now attempt to strike, and if the noble Lord should find, that the scale which is loaded with his wishes kicks the beam, while that which bears your expectations touches the earth, he must forgive the result,—assured that I will wound his sensitive modesty as little as may be consistent with what is due to truth and justice. Quitting the bar, of which he was so

brilliant an ornament, in the very prime of life, and possessed of an ample fortune, the noble Lord had every right, and every inducement, to devote the remainder of his days to the cultivation of that leisure, which he had so fairly earned, and which he was so well fitted to adorn, and to enjoy. Such, however, was not the course which the noble Lord chose to take. Careless of place and power, declining to accept official or judicial rank, the noble Lord determined to devote the mature vigour of his great faculties to the performance of onerous Judicial duties, without other reward, save that which ever attends the conscientious discharge of all duty, whether public or private. How those duties have been performed, the records of the Judicial Committee of the Privy Council, and the memory of all those who have had to attend its proceedings, will abundantly testify. Combining knowledge, equally accurate and profound, of the principles of Jurisprudence, with consummate sagacity in their application, and rare felicity in their exposition, and adding to these intellectual gifts patience the most exemplary, and diligence the most untiring, the noble Lord has succeeded in bringing down to the present generation the great traditions of a Stowell and a Grant. Under his guidance, and with the aid of those most able, most learned, and most accomplished Colleagues, with whom it has been his good fortune to have been associated, the decisions of the Judicial Committee have acquired a weight and authority, acknowledged throughout the civilised world, and it would, I think, be impossible to name another tribunal, combining in itself so much of judicial power, of profound learning, and of great and varied accomplishments. It has pleased our Gracious Sovereign, as the Fountain of Honour, to call the noble Lord to a seat in the House of Peers, and thus to open to his great abilities a new sphere of public utility. As one of those who look with pride on that noble Assembly, and who desire that a Chamber of hereditary legislation should, and who firmly believe that—spite of the threats of brawling demagogues—it will, be a permanent institution of this free country, I rejoice in the noble Lord's elevation! I believe that great Institution, with its 600 years of glorious traditions, is destined to be immortal amongst us; but its perpetuity depends, not on the long-descended pedigrees of its Members, not on the purity of their '*sang azur*,' not on their vast territorial possessions, but on the fact that, generation after generation, it gathers to itself all that is most illustrious in the various departments of our social life, thus, from time to time, renewing its youth, and, like the fabled giant of antiquity, perpetually gaining fresh strength from contact with Mother Earth. Yes, let the demagogue rail as he may, while we can point to such accessions to the Peerage as the noble Lords on my right and on my left, there is no fear for the durability of that Assembly, of which they form the most recent ornaments.

"We are favoured with the company of another very distinguished guest, the right hon. Gentleman on my right, who occupies a leading position in the public Councils, as one of Her Majesty's Principal Secretaries of State, and who, from the department over which he presides, may be considered as the Minister of Justice in this realm. And, undoubtedly,—apart from all political and party opinions and prejudices,—never were the functions of that important office more worthily discharged, with more temper and moderation, with greater tact, discretion, and good sense, than by the right hon. Gentleman. We cannot but rejoice to see one of his name and lineage thus conspicuously engaged—to find the historic name of Walpole once more mingling in the strife of parties, once more aspiring to lead the Councils of the Crown, and to guide the deliberations of Parliament. But there are circumstances, other than those of a public nature, which give to the members of this society an especial interest in the career of the right honourable Gentleman. Just twenty years have elapsed since he was so good as to deliver, within these walls, several courses of lectures to the students of that day and generation, a task, I fear, more profitable to those who listened, than to him who gave to the listeners the fruits of his learning and diligence. But, I can assure the right honourable Gentleman that his labours were fully appreciated—that, among the earlier records of the Society's proceedings, there are none that call up more agreeable recollections, than those which are associated with his name—and that amongst his many well-wishers he has none more hearty than the members of this Council.

"I cannot but be conscious, Sir, that I am trespassing on you, and on our guests, at almost unwarrantable length, but the truth is, 'the mighty grasp of our large honours' is so great, that it is impossible to compass them within the limits of a moderate address. Nor would you forgive me, were I to omit to notice how greatly we are honoured on this occasion by the presence of some of the most distinguished ornaments of the Judicial Bench. First in rank amongst them, is the right hon. Gentleman on my left, the Master of the Rolls. I am sensible that it would not become me in this place to dwell on his judicial qualities and merits; but I may venture to assure him, and I know that I speak the voice, not merely of this Council, but of that branch of the Profession to which we belong, that his learning, his patience, his impartiality, and his anxious desire to dispense to the Suitors of his Court prompt and effective justice, are abundantly appreciated. As Solicitors of the High Court of Chancery, we all look up to him as our immediate Head and Chief; and as members of this Council, we are not only under great obligations to him for the courtesy and kindness with which he invariably listens to any representations which we may have occasion, from time to time, to make to him; but in regard especially to the examinations, one of which has been the occasion of our meeting together this evening, we derive our authority, in several important matters, mainly from him. And as one of that larger public, who are deeply interested in the historical literature of our country, let me take this opportunity of tendering to him the thanks, which are so eminently his due, for the large, liberal, wise, and comprehensive principles on which he is directing and superintending the publication of selections from those legal and historical Records which are peculiarly under his official care.

"We have the pleasure also to see, on my right and left, two most learned and accomplished Judges, the Lords Justices Knight Bruce and Turner. In such a presence, it would be something worse than needless, it would be an impertinence, to dilate upon the vast importance of well-constit ated Tribunals of Appeal, in giving cohesion and stability to our entire judicial system. Such Tribunals have long existed amongst us: they are among the most venerable of our Institutions, and the lapse of years, and the wisdom of successive generations, have imparted to them a weight and authority which it would be difficult to overrate. The exigencies of modern society, however, required the establishment of a new Court of Appeal in Equity, and out of this necessity arose the Court of the Lords Justices. Whether this experiment should succeed or fail, depended entirely on the character and abilities of those who should be called on, for the first time, to administer its functions. That it has signally succeeded,—that its decisions have given satisfaction to the Suitors, and inspired the Profession with respect and confidence,—we owe entirely to the high character, the great learning, and the varied abilities and accomplishments of the two distinguished persons, whom we have the pleasure of seeing here to-night, and who have, in a few short years, built up for the new Court a reputation and an authority which, in less able hands, a century would not have given to it.

"Another guest we have on my right, long known to, and much respected and regarded by us all, in reference to whom, judging from those rules and standards by which we ordinarily measure the flight of time, and recollecting for how long a period he has occupied an eminent position in our forensic and judicial annals, I should, perhaps, have ventured to say, that the lenghtening shadows of evening were beginning to cast themselves about his path. But, when I witness those coruscations of wit and fancy that have blazed around us to-night,—when I listen to those 'flashes of merriment' that have 'set the table on a roar,'—I perceive my error, and am only too happy to admit that, what I had mistaken for the shadows which accompany the descending Luminary, were but the light clouds which soften, without obscuring, his meridian splendour. Long may Sir George Rose be spared to his friends and to society, to charm and enliven by his wit and mirth, those whom he, at the same time, instructs and benefits by his many estimable qualities of mind and heart.

"One more guest we have the pleasure to see here to-night, our excellent friend, Sir Archer Denman Croft, one of the Masters of her Majesty's Court of Queen's Bench. We are indebted to him on this, as we have been similarly indebted to him on many previous occasions, for his able assistance in conducting the examination of the candidates, over which it was his duty to preside this day. And I am glad to take the present opportunity of acknowleding the obligations under which I and my Colleagues in the Council feel ourselves placed by the courtesy and attention which we invariably receive, not only in reference to these examinations, but on all other occasions, at the hands of Sir Archer Croft and his learned and excellent Colleagues, the Masters of the several Courts.

"With many apologies, Sir, for the length at which I have intruded myself upon you,—assuring all our noble and distinguished guests of the sincere gratification which it has afforded us to receive them here to-night,—and acknowledging, with gratitude, the honour which their visit has conferred upon

us, and not upon us only, but upon the entire branch of the Profession to which we belong,—I now call on you to join with me in drinking the toast which I shall conclude by proposing, namely:—'The health of the Lord High Chancellor, and the other noble, learned, and distinguished guests, who have done us the honour of dining with us this day.'"

The toast was acknowledged by the Lord CHANCELLOR in an eloquent and impressive speech, in the course of which his Lordship alluded to the deep and solemn sense of responsibility, with which he had undertaken the duties of the high Office to which he had been most unexpectedly called,—to the cordial and invaluable assistance which he had received from every branch of the Court, and which alone had enabled him to bear up under the weight of those duties,—and to the gratification he had experienced in finding, that his professional career had been such as to earn the approbation and regard of a body of men, who were, beyond all others, enabled rightly to judge of and appreciate his conduct. The noble and learned Lord also took occasion to allude, in flattering terms, to his connection with the Incorporated Law Society, as their Standing Counsel, and to the opportunities which that connection had afforded him of estimating the great value and importance of the Society to the best interests of the Profession.

The "health of the President" was then proposed by Sir George Rose, in a lively and humorous speech, and the President having briefly responded to the toast, the proceedings of the day shortly afterwards terminated.

Law Students' Journal.

LAW SOCIETY'S LECTURES.

R. E. TURNER, Esq., on Common Law; Monday, Feb. 14.
J. W. SMITH, Esq., on Equity; Friday, Feb. 18.

EXAMINATIONS FOR THE BAR.—Within the last few days a Council of Legal Education has been sitting at Lincoln's-inn, composed of twelve deputies from each of the four Inns of Court; and it is understood that they are about to make the examination compulsory.

Court Papers.

Exchequer of Pleas.

NEW CASES.—HILARY TERM, 1859.

NEW TRIAL PAPER.

Moved after the 4th Day of Hilary Term, 1859.

Middlesex. Roberts *v.* Smith.
" Mant *v.* Smith & Others.

Exchequer Chamber.

The Court of Error will sit on Wednesday, the 16th February inst., at ten o'clock a.m., to deliver Judgment in Cases standing for Judgment.

Births, Marriages, and Deaths.

BIRTHS.

CASSON—On Feb. 8, at 11 St. Stephen's-terrace, Westbourne-park, the wife of Henry Casson, Esq., Barrister-at-Law, of a daughter.
CLARKSON—On Feb. 6, at 74 Gloucester-terrace, Hyde-park, the wife of Frederick Clarkson, Esq., of a daughter.
ELLISON—On Feb. 3, at 46 Milnes-square, Islington, the wife of Thomas Ellison, Esq., Barrister-at-Law, of a son and daughter.
JONES—On Feb. 4, at College-place, Oakley-square, Mrs. Horace Jones, of a son.
KELLY—On Feb. 4, in Dover-street, Lady Kelly, the wife of the Attorney-General, of a daughter.
SIMPSON—On Feb. 9, at 18 Endsleigh-street, Tavistock-square, the wife of J. P. Simpson, Esq., of a son.
VILLIERS—On Feb. 8, at Winchmore-hill, Middlesex, the wife of John F. Villiers, of Gray's-inn, Barrister-at-Law, of a son.
YOUNG—On Feb. 8, at the Crescent, Camberwell-grove, the wife of Thomas Young, of a son.

MARRIAGES.

ARMSTRONG—ROBINSON—On Feb. 8, at St. Luke's, Norwood, by the Rev. J. Box, Eliza Katherine, eldest daughter of G. W. Armstrong, Esq., of Crown-hill, Norwood, Surrey, to George John, son of Thomas Robinson, Esq., of Rectory-villas, Stoke Newington.
MARTIN—HICK—On Feb. 3, at Belgrave chapel, Leeds, by the Rev. G. W. Conder, George Martin, Esq., Merchant, Melbourne, Victoria, to Joanna Lilian, eldest daughter of Samuel Hick, Esq., Solicitor, Blenheim-square.
TAYLOR—JANEWAY—On Feb. 8, at St. Mark's, Kennington, by the Rev. Charlton Lane, M.A., incumbent, Richard Taylor, Esq., of Whickham, Durham, to Mary Hannah, eldest daughter of William Janeway, Esq., Solicitor, of Bedford-row and South Lambeth.

DEATHS.

ANDERSON—On Feb. 5, aged 61, Robert Henry Anderson, Esq., of York, Solicitor.
BURTON—On Feb. 4, at his residence, 25 Gloucester-place, Portman-square, Thomas Stackhouse Burton, Esq.
GRIFFITHS—On Feb. 9, William Griffiths, Esq., Solicitor, late of Ashburton-cottages, Highgate, and Bucklersbury.
PATRICK—On Feb. 5, Charles Patrick, Esq., Solicitor, of 89 Chancery-lane, and the Archway-road, Highgate.
PEARSON—On Feb. 6, at the house of her uncle, the rector of Wear, Salop, Catherine, eldest daughter of the late Henry Pearson, Esq., of the Middle Temple, Barrister-at-Law, aged 15.
ROBINSON—On Feb. 6, aged 43, Mr. William Robinson, of the firm of Newton & Robinson, Solicitors, York.
SALMON—On Feb. 1, Harriet Isabella, the infant daughter of George Salmon, Esq., of Westbourne-crescent, Hyde-park.
SANKEY—On Feb. 4, at Canterbury, Elizabeth, wife of Herbert Tritton Sankey, Solicitor, Canterbury, aged 25.
TAYLOR—On Feb. 5, at his residence, Shakespeare-terrace, Manchester, aged 59, Robert Taylor, Solicitor, third son of the late Major-General Aldwell Taylor, H.E.I.C.S.

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	..	94½	95	..	95
Caledonian	85 4½ ⅜	85 4½ ⅜	85	85½ ⅜	86½	85 6½
Chester and Holyhead	48	48	..	48½ ½	..	48½ ½ ⅜ 16
East Anglian	..	..	..	..	..	..
Eastern Counties	61½ ¼ ½	61⅝ ⅜	61½	61 ⅜	62⅛	61⅛ 2⅛
Eastern Union A. Stock	..	..	..	..	..	..
Ditto B. Stock	..	..	..	30	..	30
East Lancashire	..	..	..	..	96	96
Edinburgh and Glasgow	..	..	..	69½ ½	70½	69½ 70½
Edin. Perth, and Dundee	29⅜ 9 ½	29½ ¼	29½	29	..	29 ½
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	..	104¼	104	104½	104⅛	104½ 5
Ditto A. Stock	87	..	..	87	..	87 8 9½
Ditto B. Stock	..	..	..	..	..	137 8
Gt. South & West. (Ire.)	..	..	..	..	..	..
Great Western	55½ 55	55⅞ ⅜ 5	55½ ½	55½ 6½	56½ 7	55⅞ 7
Do. Stour Vly. G. Stk.	..	..	55	..	..	..
Lancaster & Carlisle	..	88½ 7⅛	..	..	..	..
Lancashire & Yorkshire	95½ 4⅜	96⅛ 5½	93⅜ ½	95½ ⅞	96 5⅜	95¾ 6⅛
Lon. Brighton & S. Coast	109 8½	108¾ x d	109½ x d	109	..	109
London & North-Wstrn.	94½ ¼	95½ 5⅛	94⅛ ⅛	93⅜ 6	96⅞ ¼	95⅞ 6⅞
London & South-Westrn.	95 4⅜	95¼ ⅛ 5	95⅛	95⅛ ⅛	95 ⅛	95⅛ ⅜ 3
Man. Sheff. & Lincoln	36⅝ ⅜	37	37½ ⅜	37⅜ ⅜	38⅛	37⅛ 6⅛
Midland	101½	102⅛ 1⅛	101⅛ ⅜	101⅛ ⅞	102⅛	101⅛ 2⅜
Ditto Birm. & Derby	..	..	77	76	..	76 ½
Norfolk	..	..	..	..	..	..
North British	61⅛ 2	61⅛ 2	61⅛ 2	61⅛ ⅞	62⅛	61⅛ 2⅛
North-Eastern (Brwck.)	..	93½ ½	93½ 3 ½	93⅛	93⅛	93 ⅜ ⅞
Ditto Leeds	47⅜	..	45½ ⅜	48⅛	48⅛ dis.	48⅛ 8⅛
Ditto York	78½	78½ ½	78⅜ ½	78½ ⅜	78½	78½
North London	..	..	..	..	..	..
Oxford, Worc. & Wolver.	..	30½ ½	29⅛ 30	..	30⅛	30⅛
Scottish Central	..	..	..	..	115	115
Scot. N.E. Aberdeen Stk.	27½	..	..	..	..	..
Do. Scotsh. Mid. Stk.	..	..	..	..	..	..
Shropshire Union	..	..	..	..	..	..
South Devon	..	..	..	37½	..	37½
South-Eastern	73 2⅛	73⅛ 4	72⅛ 3	74 5⅛	74⅛	74
South Wales	74	73 2⅛ 3	..	..	..	..
Vale of Neath	..	..	..	..	..	..

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	228	227½	227½	..	227½ 9	..
3 per Cent. Red. Ann.	95⅜ ½	95⅞ 5⅜	95⅜ ⅜	95⅜ 5⅞	96⅛ ⅜	95⅝ 6⅜
3 per Cent. Cons. Ann.	94⅜ 5	95⅛ ⅜ ⅜	95⅛ 5 ⅛	95⅛ ⅜ ⅛	95⅜ ⅜ ⅜	95⅜ ⅜
New 3 per Cent. Ann.	95⅜ ½	95⅛ 6⅛	95⅜ 6	95⅛ 6	96⅛ 6⅛	96⅛ 5⅞
New 2½ per Cent. Ann.	..	..	..	..	79⅜	..
Long Ann. (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1880)	..	..	..	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	..	18½	..	18½	18½
India Stock	232½ 1	230	230	..	231	..
India Loan Debentures	98⅜ ⅝	98⅛ ⅜	98⅛ ⅜	98⅛	98⅛ ⅜	98⅛
India Scrip, Second Issue	..	..	..	..	..	..
India Bonds (£1,000)	..	24s p	22s p	..	20s24s p	..
Do. (under £1000)	..	..	20s24s p	20s p	..	..
Exch. Bills (£1000) Mar.	34s33s p	36s p	33s36s p	36s p	33s36s p	33s36s p
Ditto June	..	33s36s p	..	..	33s36s p	..
Exch. Bills (£500) Mar.	36s p	36s p	33s36s p	..	33s36s p	33s36s p
Ditto June	36s p	..	..	33s p	33s36s p	..
Exch. Bills (Small) Mar.	..	36s p	33s36s p	..	33s36s p	33s36s p
Ditto June	37s p	..	..	..	33s36s p	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	100½	..	..	..	..	..

Insurance Companies.

	PAID.	PER SHARE.
Equity and Law	£5 19 10	..
English and Scottish Law Life	3 5 0	..
Law Fire	2 10 0	4 0 0
Law Life	10 0 0	..
Law Reversionary Interest.....	25 0 0	23 6 8
Legal and General Life	6 9 0	..
London and Provincial Law	3 12 6	..

Estate Exchange Report.

(For the week ending February 10, 1859.)

At the Mart.—By Messrs. Norton, Hoggart, & Trist.

Freehold, "Whitmore Farm," Sunningdale, Berks, farm-house, buildings, and 44a. 3r. 0p.—Sold for £5850.

Freehold Dwelling-house, No. 9, Devonshire-street, Queen's-square, Bloomsbury; let on lease for 21 years from Christmas, 1855, at £50 per annum.—Sold for £760.

Freehold, Five plots of Building Land, fronting the Cornwall-road, Brixton.—Sold at from £150 to £200 per plot.

Freehold corner plot of Building-ground, fronting the Cornwall and Lyham-roads, Brixton.—Sold for £450.

Freehold, Eight plots of Building-land, fronting the Lyham-road, Brixton. Sold at from £115 to £250.

By Messrs. Winstanley.

Leasehold Residence, No. 13, Woburn-place, Russell-square; term, 38½ years from Lady-day, 1859; ground-rent, £30 per annum.—Sold for £630.

By Messrs. Thomas Clarke.

Freehold, Two Farms, at Wolvey, Warwickshire, comprising two farm-houses, out-buildings, &c., and 280a. 3r. 36p. of land.—Sold for £11,500.

By Mr. Crispe.

Freehold plot of Building-land, Croham-road, Croydon.—Sold for £100.

Freehold plot of Building-land, Croham-road, Croydon.—Sold for £30.

By Mr. E. Lumley.

Freehold plot of Building-ground, York-street, Westminster, comprising in the whole about 2900 superficial feet, with buildings thereon.—Sold for £410.

Lease of House and Premises, No. 17, Wilson-street, Finsbury; term, 21 years from Michaelmas, 1854, at £45 per annum.—Sold for £35.

By Mr. Moore.

Leasehold Residence, No. 16, Albert-street, Mornington-road, Hampstead-road, held for 83 years from Lady-day last; ground-rent, £6 per annum; let at £50 per annum.—Sold for £520.

Freehold, Three Cottages and Garden, Greenford-road, Harrow-road.—Sold for £95.

Leasehold Dwelling-houses, Nos. 36 & 37, Sidney-street, York-road, Battlebridge, held for 84 years from Lady-day last; ground-rent, £12 per annum; let at £25 per annum.—Sold for £290.

Leasehold Dwelling-houses, Nos. 24 & 25, Paterson-street, Stepney; held for 43 years from Lady-day last; ground-rent, £8 per annum; let at £42 per annum.—Sold for £350.

By Messrs. Roberts & Roby.

A Reversion to four Copyhold Houses (one a Shop), High-street, Old Brentford, receivable on the death of a lady, aged 71 years.—Sold for £155.

At Garraway's.—By Mr. J. J. Orgill.

Leasehold Semi-detached Cottage Residence, known as "Lavender House," Shepherd's-bush; term, 49 years from January, 1843; ground-rent, £6:8:0 per annum; let at £30 per annum.—Sold for £200.

By Mr. Peake.

Freehold, Nos. 1 & 2, Freeman's-lane, St. John's, Southwark, also a cottage in the rear thereof; gross annual rental, £49:10:0.—Sold for £495.

Freehold Dwelling-house, No. 3, Freeman's-lane; let at £24 per annum.—Sold for £220.

Ditto, No. 4, ditto; let at £24 per annum.—Sold for £220.

Ditto, No. 5, ditto; let at £24 per annum.—Sold for £225.

Ditto, No. 6, ditto; let at £18 per annum.—Sold for £245.

Ditto, Nos. 15 & 16, ditto; let at £39:8:0 per annum.—Sold for £465.

By Messrs. Green, Hansby, & Green.

Freehold Residences, Nos. 1, 2, & 3, Edmonton-crescent, Edmonton; let on lease at £14 per annum each house.—Sold for £720.

Freehold Residence, No. 4, Edmonton-crescent; let at £25 per annum.—Sold for £210.

Ditto, No. 5, ditto; let at £26 per annum.—Sold for £230.

Ditto, No. 6, ditto; let at £26 per annum.—Sold for £270.

Ditto, No. 7, ditto; let on lease at £14 per annum.—Sold for £215.

Freehold Ground-rent of £3 per annum, arising from No. 8, Edmonton-crescent; let for 86 years from Lady-day, 1840.—Sold for £65.

Freehold Residence, No. 9, Edmonton-crescent; let at £25 per annum.—Sold for £200.

Freehold, Two Cottages, known as "Crescent-cottages," with coach-houses and stabling; estimated value, £25 per annum.—Sold for £175.

Freehold House and Shop, No. 8, Wellclose-square; let at £26 per annum.—Sold for £280.

Freehold Dwelling-house, No. 35, Great Hermitage-street, Wapping; let at £34 per annum.—Sold for £315.

Freehold House, Shop, and Premises, No. 23, Liverpool-street, Bishopsgate-street Without; let at £42 per annum.—Sold for £730.

Leasehold Residence, Albert-villa, Finchley-road; let at £100 per annum; term, 60½ years from Lady-day, 1859; ground-rent, £16 per annum.—Sold for £1300.

Leasehold Houses & Shops, Nos. 1, 2, 3, 4, & 5, North-place, Balls-pond; let at £137 per annum; held for 61½ years from Lady-day, 1859; ground-rent, £18:15:0.—Sold for £1030.

Leasehold House and Shop, No. 99, East-street, Manchester-square, also Nos. 8 & 9, Blandford-mews, with the warehouse and premises adjoining; gross annual rental, £108; term, 29 years from Lady-day, 1859; ground-rent, £4:10:0.—Sold for £700.

At the Mart.—By Mr. Marsh.

Leasehold Residence, No. 17, Cardington-street, Hampstead-road; term, 93 years from 25th December, 1835; ground-rent, £6 per annum; let at £40 per annum.—Sold for £425.

One 1024th Share in the Wheal Mary Ann Lead Mine, in Menheniot, Cornwall.—Sold for £47.

Two 1024th Shares in the Wheal Uny Tin and Copper Mine, near Redruth, Cornwall.—Sold for £3:10:0 per Share.

Five 5120th Shares in the Alfred Consols Copper Mine, situate at Phillack, near Hayle, Cornwall.—Sold for £6:5:0 per Share.

Two 1040th Shares in the Wheal Trelawney Silver Lead Mine, near Liskeard, Cornwall.—Sold for £30 per Share.

Twenty £10 Shares in the Surrey Consumers Gas Company, Rotherhithe (all paid).—Sold for £11:7:6 per Share.

An Annuity of £217:2:3 per annum during the life of a gentleman aged 54; also a Policy for £700 in the Solicitors' and General Life Office on the same life.—Sold for £1790.

London Gazettes.

New Members of Parliament.

Tuesday, *Feb.* 8, 1859.

County of Linlithgow.—Charles Baillie, Esq., Lord Advocate for Scotland, *vice* George Dundas, Esq., Lieut.-Governor of Prince Edward Island.

Friday, *Feb.* 11, 1859.

Borough of Banbury.—Bernhard Samuelson, Esq., in the room of Henry William Tancred, Esq., who has accepted the Stewardship of the Chiltern Hundreds.

Commissioners to administer Oaths in Chancery.

Tuesday, *Feb.* 8, 1859.

Bailey, Arthur, Gent., Bolton, Lancashire.

Friday, *Feb.* 11, 1859.

Dodd, Henry, Gent., Hexham, Northumberland.

Bankrupts.

Tuesday, *Feb.* 8, 1859.

BROWN, John, Grocer, 60 Crawford-st., Bryanston-sq., 4 John-st. West, Edgware-rd., and 16 Oxford Market, Oxford-st. *Com.* Fane: Feb. 18 and Mar. 25, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Crosley & Burn, 34 Lombard-st. *Pet.* Feb. 8.

COLEMAN, Charles Meads, Farmer, Foleshill, Warwick. *Com.* Sanders: Feb. 18 and Mar. 10, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Powell & Son, Birmingham. *Pet.* Jan. 28.

DRAGE, George Allibone, Boot & Shoe Manufacturer, Olney, Bucks. *Com.* Goulburn: Feb. 21, at 11; and Mar. 28, at 12; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Howard, 9 Quality-ct., Chancery-lane. *Pet.* Feb. 4.

HICKS, James, Shoemaker, Great Driffield, Yorkshire. *Com.* Ayrton: Feb. 23 and Mar. 16, at 12; Leeds. *Off. Ass.* Carrick. *Sols.* England & Saxelbye, Kingston-upon-Hull. *Pet.* Feb. 4.

HILL, Thomas, Broker, Liverpool. *Com.* Perry: Feb. 18, at 12; Mar. 17, at 11; Liverpool. *Off. Ass.* Turner. *Sol.* Norris, North John-st., Liverpool. *Pet.* Feb. 5.

MANNION, William, Currier, Liverpool. *Com.* Perry: Feb. 18 and Mar. 11, at 11; Liverpool. *Off. Ass.* Turner. *Sol.* Yates, jun., Liverpool. *Pet.* Feb. 4.

M'KINSTRY, William, Broker, Liverpool. *Com.* Perry: Feb. 22 and Mar. 10, at 11; Liverpool. *Off. Ass.* Morgan. *Sol.* Yates, jun., 22 Fenwick-st, Liverpool. *Pet.* Feb. 1.

TRIGG, Harry Richard, Builder, late of Kingston-upon-Thames and Esher, now of Queen's Bench Prison, Southwark. *Com.* Fonblanque: Feb. 16, at 12.30; and Mar. 2, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sol.* Selby, 15 Coleman-st. *Pet.* Feb. 3.

WILSON, Margaret, Milliner, Halifax. *Com.* Ayrton: Feb. 21 and Mar. 14, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Holroyde & Cronheim, Halifax. *Pet.* Feb. 4.

Friday, *Feb.* 11, 1859.

BODY, Edward, Furniture Dealer, High-st., Ramsgate. *Com.* Goulburn: Feb. 24, at 2; and Mar. 28, at 1; Basinghall-st. *Off. Ass.* Nicholson. *Sols.* George & Downing, 5 Size-lane. *Pet.* Dec. 6.

COLLINS, William Papprill, & Henry Edward Collins, Mapsellers, 22 Paternoster-row. *Com.* Fane: Feb. 25, at 12; and Mar. 25, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* Feb. 9.

DEAN, Michael Holloway, Grocer, Ashbourne, Derbyshire. *Com.* Sanders: Feb. 22, and Mar. 15, at 11; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sols.* Brown, Bilston; or James & Knight, Birmingham. *Pet.* Feb. 9.

GROVES, Henry John, Music-seller, Newport, Monmouthshire. *Com.* Hill: Feb. 22, and Mar. 22, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Blakey, Newport; or Bevan & Girling, Bristol. *Pet.* Feb. 8.

HOLLINGTON, Francis, Draper, Worcester. *Com.* Sanders: Feb. 24 and Mar. 17, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Finch, Worcester; or E. & H. Wright, Birmingham. *Pet.* Feb. 5.

JENNINGS, William, Lace Dresser, Sneinton, Nottinghamshire. *Com.* Sanders: Feb. 22 and Mar. 15, at 11; Nottingham. *Off. Ass.* Harris. *Sols.* Deverill & Cowley, Nottingham. *Pet.* Feb. 10.

JONES, Philip, Haulier, Waterloo-house, Mynyddyallwyn, Monmouthshire. *Com.* Hill: Feb. 22 and Mar. 22, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Cathcart, Newport; or Brittan & Son, Small-st., Bristol. *Pet.* Feb. 5.

LEAKE, John, Wine & Spirit Merchant, Newark-upon-Trent. *Com.* Sanders: Feb. 22 and Mar. 15, at 11, Nottingham. *Off. Ass.* Harris. *Sol.* Ashley, Newark-upon-Trent. *Pet.* Feb. 8.

SCHOFIELD, James, Grease Manufacturer, Vicars Moss and Blue Pits, near Rochdale, and Keighley, Yorkshire, in copartnership with Louis Horrie (Schofield & Horrie). Feb. 25 and Mar. 18, at 12; Manchester. *Off Ass.* Hernaman. *Sols.* Slater & Myers, Tib-lane, Manchester. *Pet.* Feb. 3.

SMITH, John Peter George, Banker, Liverpool. *Com.* Perry: Feb. 22 and Mar. 16, at 12; Liverpool. *Off. Ass.* Morgan. *Sol.* Banner, 24 North John-st., Liverpool. *Pet.* Feb. 9.

TARLETON, JOHN COLLINGWOOD, Shipowner, Rhyl. *Com.* Perry: Feb. 23 and Mar. 16, at 11; Liverpool. *Off. Ass.* Cazenove. *Sols.* Lace, Marshall, Gill, & Clay, 1 Union-ct., Castle-st., Liverpool. *Pet.* Feb. 8.

TRIGG, WILLIAM, Timber Merchant, Witley, Surrey. *Com.* Evans: Feb. 18, at 1; and Mar. 17, at 2; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Riches, 34 Coleman-st. *Pet.* Jan. 27.

VARCOE, THOMAS, Carpenter, St. Austell, Cornwall. *Com.* Andrews: Feb. 24 and Mar. 23, at 11; Queen-st., Exeter. *Off. Ass.* Hirtzel. *Sols.* Bishop & Wreford, Fowey; or Stogdon, Exeter. *Pet.* Feb. 10.

WELLS, ROBERT, Wholesale Tea Dealer, Bristol, also at Newport, Monmouthshire, and Cardiff (Wells, Russell, & Co.) *Com.* Hill: Feb. 21 and Mar. 22, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Bevan & Girling, Small-st., Bristol. *Pet.* Feb. 9.

WOOD, HENRY, Baker, Long Eaton, Derbyshire. *Com.* Sanders: Feb. 22 and Mar. 15, at 11; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sol.* Wells, Nottingham. *Pet.* Feb. 8.

YAPP, EDWARD, Butcher, Leominster, Herefordshire. *Com.* Sanders: Feb. 21 and Mar. 14, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Reece, Wilkins, & Blyth, St. Swithin's-lane, London; or Reece, Birmingham. *Pet.* Feb. 3.

BANKRUPTCY ANNULLED.

FRIDAY, *Feb.* 11, 1859.

M'DONALD, ARTHUR, Innkeeper, Kingston-upon-Hull. Jan. 31.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Feb.* 8, 1859.

ADAMS, WILLIAM, Glove Manufacturer, 1 Martin-st., Exeter. Mar. 2, at 11; Queen-st., Exeter.

BALDWIN, HENRY, & JOHN BALDWIN, Tailors, 31 Cornhill, and of Tom's Coffee-house, Cowper's-ct., Cornhill, Tavern Keepers. Feb. 19, at 11; Basinghall-st.

BEVAN, HENRY, Licensed Victualler, Bristol. Mar. 3, at 11; Bristol.

BRYAN, THOMAS, Hatter, Liverpool. Mar. 3, at 11; Liverpool.

BUTTERIS, VALENTINE, Bookseller, Dartmouth. Mar. 2, at 11; Queen-st., Exeter.

CHAPE, WILLIAM TREEBY, Ironfounder, Devonport. Feb. 23 and Mar. 3, at 12; Queen-st., Exeter.

CHANDLER, BENJAMIN, Attorney & Money Scrivener, Sherborne, Dorsetshire. Mar. 2, at 11; Queen-st., Exeter.

COLLINS, FRANCIS, Jeweller, 8 Lower Ashby-st., Clerkenwell. Mar. 2, at 1; Basinghall-st.

COX, STEPHEN, Chemical Manufacturer, Netham Chemical Works, St. George, Gloucestershire, Temple Back, Bristol, and Brislington, Somersetshire. Mar. 3, at 11; Bristol.

DAVIS, WILLIAM, & WILLIAM HENRY DAVIS, Drapers, Haverfordwest. Mar. 3, at 11; Bristol.

FOX, RICHARD, Ironmonger, Moreton-in-the-Marsh, Gloucestershire. Mar. 3, at 11; Bristol.

GILLHAM, JAMES, Boot & Shoe Manufacturer, 149 Fore-street-hill, Exeter. Feb. 23 and Mar. 3, at 12; Queen-st., Exeter.

GUNDRY, SAMUEL, & WALTER EUSTACE GUNDRY, Bankers, Bridport, Dorsetshire. Mar. 3, at 12; Queen-st., Exeter.

HALLIDAY, ANDREW PATON, & ELIZA PATON, Manufacturing Chemists, Cornbrook, Manchester. Mar. 3, at 12; Manchester; sep. est. E. Paton.

HAWKEY, JOHN TAMBLYN, Farmer, Cardinham, Cornwall. Mar. 2, at 11; Queen-st., Exeter.

HERON, JAMES HOLT, JOHN SPEIR HERON, JAMES KNIGHT HERON, & ARTHUR HERON, Cotton Spinners, Manchester and Wigan. Mar. 4, at 12; Manchester (by adj. from Jan. 14).

HOLTAWAY, WILLIAM, Ink Dealer, Park-ter., Hammersmith. Mar. 1, at 12.30; Basinghall-st.

MANCHIN, EMMANUEL MARIE, Tailor). 258 High-st., Exeter (trading under the name of George Carteret, and late of 5 Foley-pl., Cavendish-sq. Feb. 23 and Mar. 3, at 12; Queen-st., Exeter.

MARCHANT, WILLIAM, Corn, Coal, & Seed Merchant, Rendezvous-st., Folkstone, Kent. Feb. 18, at 12; Basinghall-st. (by adj. Jan. from 14.)

SMITH, GEORGE, Cabinet Maker, Pantechnicon, Queen's-rd., Brighton. Mar. 3, at 12; Basinghall-st.

STEADMAN, CHRISTOPHER, & CHARLES SIDDALL BAKEWELL, Builders, Manchester. Mar. 3, at 12; Manchester.

WILD, WILLIAM, Carman, Counter-st., Southwark. Mar. 2, at 12; Basinghall-st.

FRIDAY, *Feb.* 11, 1859.

ADLEY, JOSEPH, Woollen Manufacturer, Elland, Halifax. Mar. 4, at 11; Commercial-bldgs., Leeds.

ARMSTRONG, BENJAMIN, Ironmonger, Sunderland. Mar. 10, at 11; Newcastle-upon-Tyne.

BEAGLE, JAMES, Upholsterer, 89 Bridge-rd., Lambeth. Mar. 7, at 1.30; Basinghall-st.

BIRNS, THOMAS, Iron Merchant, Deighton, Huddersfield, and of Thornhill Lees, Dewsbury. Mar. 4, at 11; Commercial-bldgs., Leeds.

BLECH, JOSEPH EDWARD, Merchant, Liverpool. Mar. 7, at 11; Commercial-bldgs., Leeds.

BRADSHAW, BENJAMIN, & JAMES WEBSTER, jun., Canvas Manufacturers, Folly, Holbeck, Leeds (Bradshaw & Webster). Mar. 4, at 11; Commercial-bldgs., Leeds.

BROWN, JOHN HENRY, jun. (Brown, Brothers, & Co.), Commission Merchant, Newcastle-upon-Tyne. Mar. 8, at 1; Newcastle-upon-Tyne.

BURROUGHS, BENJAMIN MERCER, Ironmonger, Liverpool. Mar. 9, at 11; Liverpool.

CLARE, ROBERT, Miller, Liverpool. Mar. 4, at 12; Liverpool.

COHEN, WOLF, Watchmaker, 57 Market-pl., Sheffield. Mar. 5, at 10; Council-hall, Sheffield.

COSSETT, RICHARD, Commission Agent, Kingston-upon Hull. Feb. 23, at 12; Town-hall, Kingston-upon-Hull.

DALTON, SAMUEL, DANIEL DALTON, & ALFRED DALTON (The Leeswood Iron Co.), Ironmasters, Chester. Mar. 9, at 11; Liverpool.

FERNELL, RICHARD, Commission Agent, 22 Aldermanbury. Mar. 4, at 12; Basinghall-st.

FOLLETT, WILLIAM, otherwise WILLIAM STIRLING FOLLETT, Bookseller, Bognor, Sussex. Mar. 4, at 11.30; Basinghall-st.

FRANCE, EZRA, Worsted Manufacturer, Dudley-hill, Bradford (Priestley, France, & Co.) Mar. 4, at 11; Commercial-bldgs., Leeds.

GABRIEL, THOMAS GARNER, Brush Manufacturer, Midford-pl., London-st., Tottenham-ct.-rd., and of Birmingham. Feb. 21, at 12; Basinghall-st.

GIBBS, ALEXANDER, Stained Glass Painter, 38 Bedford-sq. Mar. 7, at 2; Basinghall-st.

GREEN, JOSEPH, Stone Merchant, Kerridge, Prestbury, Chester. Feb. 21, at 12; Manchester.

HUTCHINGS, THOMAS, Contractor, 5 Adam-st., Adelphi. Mar. 4, at 11; Basinghall-st.

HAYDEN, THOMAS, Flax & Cotton Spinner, Bishopwearmouth, Durham. Mar. 8, at 11; Royal-arcade, Newcastle-upon-Tyne.

MAZER, DANIEL, Hatter, Snargate-st., Dover. Mar. 4, at 12.30; Basinghall-st.

MOORE, WILLIAM, Innkeeper, Bradford, Yorkshire. Mar. 4, at 11; Leeds.

POOLE, CHARLES, Liverystable Keeper, 22 Waterloo-st., Brighton. Mar. 4, at 12.30; Basinghall-st.

RICHARDSON, GEORGE DAVEY, Ironfounder, Carlisle. Mar. 10, at 12; Royal-arcade, Newcastle-upon-Tyne.

SHARP, JOHN BUCKLEY, Worsted Spinner, Bingley, Bradford. Mar. 4, at 11; Commercial-bldgs., Leeds.

SMITH, TILDEN, JAMES HILDER, GEORGE SCRIVENS, & FRANCIS SMITH, Bankers, Hastings (Smith, Hilder, Scrivens, & Smith). Mar. 4, at 2; Basinghall-st.; joint est. and sep. est. of each.

SOPPET, JAMES GRAY, Miller & Ship Owner, North Shields. Mar. 10, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

THOMPSON, JOHN, Publican, Ship-inn, Stainmoor, Brough. Feb. 22, at 11.30; Royal-arcade, Newcastle-upon-Tyne.

WHEELDON, THOMAS, Tailor, Bakewell, Derbyshire. Mar. 10, at 12; Manchester.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting*

TUESDAY, *Feb.* 8, 1859.

BOXELL, JOHN, Commission Agent, Hephzibah-ter., Grange-rd., Dalston. Mar. 1, at 11.30; Basinghall-st.

CARE, JOSEPH, Licensed Victualler, Alcester, Warwickshire. Mar. 4, at 11; Birmingham.

CHEETHAM, JOHN, General Dealer, New-st., Birmingham. Mar. 4, at 11; Birmingham.

GRANGER, JAMES, GEORGE BATTISON HAINES, WILLIAM RICHARD HEATH, & JOHN METCALF, Electro Platers, Birmingham. Mar. 2, at 11; Birmingham.

HANKS, SAMUEL, Coal Dealer, Snow-hill-wharf, Birmingham. Mar. 2, at 11; Birmingham.

HUNT, WILLIAM, Silk & Cotton Manufacturer, 118 Market-st., Manchester, and Tonge, Middleton, Lancashire. Mar. 3, at 11; Manchester.

LEVY, JOSEPH, General Dealer, 29 Jewry-st., Aldgate. Mar. 2, at 12.30; Basinghall-st.

METCALF, JOHN, & JOHN LILLY, Hosiers, Birmingham. Mar. 2, at 11; Birmingham.

MILES, JAMES ARTHUR, Ironmonger, 40 Watling-st. Mar. 2, at 11; Basinghall-st.

PARKER, GEORGE, Copper Merchant, Kingston-upon-Hull (J. Parker & Sons). Mar. 2, at 12; Town-hall, Kingston-upon-Hull.

SCHLESINGER, CHARLES FREDERICK, EDWARD SCHLESINGER, & CHARLES PARFITT, Drysalters, 9 & 10 Basinghall-st. Mar. 15, at 12; Basinghall-st.

FRIDAY, *Feb.* 11, 1859.

BINGHAM, WILLIAM, Auctioneer, Great Grimsby. Mar. 9, at 12; Town-hall, Kingston-upon-Hull.

DRAKE, GEORGE, Watch Maker, 18 Ludgate-hill, and Upper-st., Islington. Mar. 5, at 12; Basinghall-st.

FOLLETT, WILLIAM, otherwise WILLIAM STIRLING FOLLETT, Bookseller, Bognor, Sussex. Mar. 4, at 11.30; Basinghall-st.

HILL, ROBERT HENRY, GEORGE ROBERT HUDSON, & FREDERICK HUDSON, Warehousemen, 120 London-wall (Hill, Hudson Brothers, & Co.) Mar. 4, at 12; Basinghall-st.

HUTCHISON, WILLIAM, Stone Merchant, Frant, near Tonbridge Wells. Mar. 5, at 12; Basinghall-st.

MANNING, SAMUEL, Mason, 66 Marylebone-rd. (late New-rd.) Mar. 4, at 11; Basinghall-st.

SHARON, FRANCIS, Nurseryman, Acre-lane Nursery, Acre-lane, Lambeth, late of 6 Oxford-ter., Park-rd., Clapham. Mar. 2, at 1; Basinghall-st.

WILLIAMSON, JOSEPH, Farmer, Stockport, Cheshire. Mar. 11, at 12; Manchester.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Feb.* 8, 1859.

EDMANSON, JAMES, Linen Draper, Angel-st., Sheffield. Jan. 29, 3rd class, subject to a suspension of 18 months.

FISHER, THOMAS, Northampton, & WILLIAM FISHER, Harlestone, Carpenters. Feb. 1, 2nd class.

HEMINGSLEY, THOMAS, Cut Nail Manufacturer, Willenhall, Staffordshire. Feb. 7, 3rd class.

MASON, EDWARD, Commission Agent, 67 Piccadilly, Manchester. Feb. 2, 2nd class.

SHEARD, SCHOFIELD CROWTHER, & GEORGE UNDERWOOD, Millwrights, Smethwick, Staffordshire. Feb. 4, 3rd class.

FRIDAY, *Feb.* 11, 1859.

BREDZLER, DIXON, General Dealer, Bourn, Lincolnshire. Feb. 1, 3rd class.

BERSON, JAMES, Iron Founder, Derby. Feb. 1, 2nd class.

BISHOP, ROBERT, Licensed Victualler, Sieve Public-house, Church-st., Minories. Feb. 2, 2nd class.

CARPENTER, RICHARD, Omnibus Builder, Paddington. Feb. 4, 2nd class.

FLOWERS, JAMES, Grocer, High-st., Cheltenham. Feb. 7, 3rd class.

GEORGE, MARY, Druggist, Brynmawr, Brecon (George & Son). Feb. 7, 1st class.

GODDARD, WILLIAM, Shoe Manufacturer, Leicester. Feb. 1, 2nd class.

HARRISON, THOMAS, Fringe & Trimming Manufacturer, 78 Wells-st. Oxford-st., now of White Horse-yd., High Holborn. Feb. 4, 2nd class.

HODGSON, THOMAS, Bookseller, Aldine-chambers, Paternoster-row. Feb. 4, 1st class.

ROOK, THOMAS, Contractor, Gibraltar-walk, Bethnal-green, and Victoria-wharf, Earl-st., Blackfriars. Feb. 3, 2nd class.

SAUNDERS, RICHARD WELLS, Saddler, Thame, Oxon. Feb. 4, 1st class.

SMITH, JOSIAS, jun., Worsted Spinner, Bradford. Jan. 25, 1st class; after a suspension of 21 days.

TAYLOR, GEORGE, Licensed Victualler, Swinderby, Lincolnshire. Feb. 1, 3rd class.

WILLIAMS, ROBERT, Joiner, Liverpool. Feb. 3, 2nd class.

WOOLLATT, WILLIAM, Lace Manufacturer, Nottingham. Feb. 1, 2nd class.

Professional Partnerships Dissolved.

Tuesday, *Feb.* 8, 1859.

Marsden, George Edenson, & Montague Robert Tootal, Attorneys and Solicitors, Manchester; by mutual consent. Dec. 24.

Friday, *Feb.* 11, 1859.

Frost, Charles, & Horace Frost, Solicitors & Attorneys, Kingston-upon-Hull; by mutual consent.—Jan. 31.

Assignments for Benefit of Creditors.

Tuesday, *Feb.* 8, 1859.

Barrett, John, Draper, Malmsbury, Wilts. Jan. 28. *Trustees*, S. Lyons, Wilson-st., Middlesex; J. T. Stuttard, Wood-st., Warehousemen. *Sol.* Handy, Malmesbury.

Barton, Hugh, & Stephen Wallace, jun., Rope & Sail Makers, Liverpool. Jan. 17. *Trustees*, P. A. Houlgrave, Distiller, Liverpool; J. Taylor, Merchant, Liverpool. *Sol.* Tyrer, Heather Lea, Walton-on-the-Hill, Lancaster.

Billyeald, Thomas, Lace Manufacturer, Nottingham, and Hyson-green, Notts. Feb. 1. *Trustees*, J. Cropper, Lace Manufacturer, Sneinton, Notts; J. Reely, Dyer, Nottingham; J. Whitaker, Public Accountant, Nottingham. *Sol.* Watson, Nottingham.

Dawson, William, sen., Farmer, Otley, Yorkshire. Jan. 27. *Trustee*, J. Dacre, Auctioneer, Otley. *Sol.* Siddall, Otley.

Geary, Charles, Dealer in Building Materials, Canal-bridge, Mile-end. Jan. 25. *Trustees*, G. F. White, Cement Manufacturer, Milbank-st.; J. A. Morgan, Secretary to the Arley Pottery and Fire Brick Company (Limited). *Sol.* Goddard, 101 Wood-st., Cheapside.

Milner, George, & George Whitton, Millwrights, Great Grimsby. Feb. 1. *Trustees*, E. Bannister, Merchant, Great Grimsby; T. Stather, Iron Founder, Kingston-upon-Hull. *Sol.* Daubney, Great Grimsby.

Teasdell, James, Merchant, Great Yarmouth, Norfolk. Jan. 29. *Trustees*, J. Clark, Merchant, and W. Hanworth, Accountant, both of Great Yarmouth. Creditors to execute on or before April 29. *Sol.* Worship, Great Yarmouth.

Friday, *Feb.* 11, 1859.

Armstrong, David, Draper, Brixham, Devon. Jan. 19. *Trustees*, W. White and W. White, jun., Warehousemen, Cheapside. *Sol.* Morris, 6 Old Jewry.

Bulman, James Mitchenson, Fancy Paper Manufacturer, Oliver's-yd., City-rd. Feb. 2. *Trustee*, W. Taylor, Colour Manufacturer, Gt. Chart-st., Hoxton. Creditors to execute before April 2. *Sol.* Croft, 12 Copthall-ct.

Chick, John, Innkeeper, 'Donyatt,' Somersetshire, Feb. 2. *Trustees*, G. Lumbard, Innkeeper, Ilminster; J. Dampney, Yeoman, Ilminster. *Sol.* Langworthy, Ilminster.

Codd, Robert, Grocer, 51 Queen-st., Devonport. Jan. 26. *Trustees*, W. H. Peat, Granite Merchant, Gunnislake, Cornwall; R. Conway, Accountant, 2 Albany-villas, Plymouth. *Sol.* Matthews, 10 Green-st., Plymouth.

Gibbs, Philip William, Linen Draper, Ilfracombe, Devon. Jan. 29. *Trustee*, H. Quick, Warehouseman, 7 Queen-st., Exeter. *Sol.* Bencraft, Barnstaple.

Grainger, Alfred, Builder, Saffron Walden, Essex. Jan. 31. *Trustees*, J. S. Watts, Coal & Timber Merchant, Regent-st., Cambridge; W. List, Boot Maker, Saffron Walden. Creditors to execute within six weeks. *Sol.* Freeland, Saffron Walden.

Irons, Thomas Edward, Boot Maker, 61 St. Peter's-st., Derby. Jan. 18. *Trustee*, R. Turner, Shoe Manufacturer, Northamptonshire. *Sol.* Dennis, Northampton.

Read, James, Farmer, Woodchurch, Kent. Feb. 5. *Trustees*, J. Bright, Grocer, Woodchurch, Kent; T. Avery, Wine & Spirit Merchant, Tenterden. Creditors to execute before May 5. *Sol.* Mace, Tenterden.

Ridler, George, Grocer, Cardiff. Jan. 19. *Trustees*, J. S. Date, Flour Merchant, Wasford, Somersetshire; J. B. Hopkins, Grocer, Cardiff. Creditors to execute on or before April 19. *Sol.* White, Welliton, Somersetshire.

Rothwell, Richard, & William James Rothwell, Woollen Manufacturers, Rochdale. Jan. 19. *Trustees*, I. E. Gibbs, Woolstapler, Rochdale; E. S. Rogers, Oil Merchant, Manchester; H. Cocker, Woollen Manufacturer, Elland, Yorkshire. Indenture lies at office of J. Standring, Rochdale.

Steel, George, Fish Curer, Holy Island and Craster, Northumberland. Feb. 3. *Trustees*, J. Evans, Cooper, Berwick-upon-Tweed; T. Crewther, Limeburner, Spittle, Berwick-upon-Tweed. Creditors to execute on or before May 3. *Sol.* Rowland, Berwick-upon-Tweed.

Taylor, John, Innkeeper, Norton, Yorkshire. Feb. 8. *Trustees*, E. Rose, Wine Merchant, New Malton; W. Walker, Corn Merchant, New Malton. Indenture lies at offices of Walker & Son, New Malton.

Withers, Charles, Lace Maker, Nottingham. Jan. 14. *Trustees*, F. Shaw, Silk Throwster, Derby; H. Davies, Silk Merchant, Nottingham. *Sol.* Cowley, Low-pavement, Nottingham.

Creditors under Estates in Chancery.

Tuesday, *Feb.* 8, 1859.

Brown, Martha Thring, Spinster, Clifton-grove, Asylum-rd., Old Kent-rd. (who died in June, 1850). Re Brown's Estate, Thring *v.* Metham, V. C. Stuart. *Last Day for Proof*, Feb. 21.

Fielding, Daniel, Gent., Cloudesley-ter., Islington (who died in Jan. 1850). Anglibert *v.* Fielding, V. C. Stuart. *Last Day for Proof*, Feb. 26.

Henton, Elizabeth, Widow, Binley, Coventry (who died in July, 1857). Henton *v.* Mawe, V. C. Stuart. *Last Day for Proof*, Mar. 8.

Neale, William Henry, Gent., 91 Albany-rd., Camberwell (who died on Nov. 14, 1856). Re Neale's Estate, Neale (since deceased) and Neale *v.* Neale, V. C. Wood. *Last Day for Proof*, Mar. 1.

Theobalds, Henry, Farmer, Guilden Morden, Cambridge (who died in Nov. 1843). Pearmain *v.* Twiss and Another, V. C. Stuart. *Last Day for Proof*, Mar. 15.

Friday, *Feb.* 11, 1859.

Barrow, Stephen, Farmer, late of Bexhill, Sussex (who died in or about the month of Jan. 1848). Tackle *v.* Reeves, M. R. *Last Day for Proof*, Mar. 7.

Cooper, Thomas, Woollen Manufacturer, late of Paghouse Mill, Hasleden (who died on 31st Oct. 1854). Stott *v.* Cooper. *Last Day for Proof*, Mar. 12, at the Office of the Registrar for the Manchester District of the Court of Chancery, of the County Palatine of Lancaster, 4 Norfolk-st., Manchester.

Fudge, Elizabeth, Widow, late of Park-pl., Clifton, Bristol (who died on or about the 13th July, 1858). Powell *v.* Hellicar and Others, M. R. *Last Day for Proof*, Mar. 1.

Owen, Thomas, Solicitor, late of 2 Bucklersbury (who died on the 18th June, 1857). Owen *v.* Owen, V. C. Stuart. *Last Day for Proof*, Mar. 21.

Ravis, Sarah, Spinster, late of 86 Gwyne-bldgs., Islington (who died in or about the month of Dec. 1858). Birdseye *v.* Ravis, V. C. Stuart. *Last Day for Proof*, Mar. 21.

Rickard, Elizabeth, Tea Dealer, late of Tickhill, Yorkshire (who died in or about the month of May, 1855). Turner *v.* Rickard, V. C. Kindersley. *Last Day for Proof*, Mar. 12.

Solly, James Smith, Solicitor, late of the town and port of Sandwich, Kent (who died in or about the month of Dec. 1853). Solly and Another *v.* Fowle and Others, V. C. Wood. *Last Day for Proof*, Feb. 28.

Windings-up of Joint Stock Companies.

Friday, *Feb.* 11, 1859.

Deposit and General Life Assurance Company.—The Master of the Rolls peremptorily orders a Call of £1 10*s.* per share be made on all the Contributories: and that the Contributories do, on Mar. 1, at 12, pay such Call to William Turquand, 16 Tokenhouse-yard, the Official Manager of the Company.

Saint George Benefit Building Society.—V. C. Kindersley will, on Monday, Feb. 21, at 3, make a Call on the Contributories of £5 per share.

Scotch Sequestrations.

Tuesday, *Feb.* 8, 1859.

Cochrane, Robert, Farmer, Windyedge, Renfrewshire, and Glasgow (M'Naughton & Cochrane), Cotton Broker. Feb. 11, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Feb. 3.

Cockburn, James, sometime Fish Merchant, Corunna-pl., Sandyford, Glasgow, lately residing at 5 Roxburgh-ter., Edinburgh, now Prisoner in Calton Gaol, Edinburgh. Feb. 12, at 12; Dowell's & Lyon's-rooms, 18 George-st., Edinburgh. *Seq.* Feb. 2.

Dickie, John, & George Parkin (Dickie & Parkin), Mill Sawyers, Rockvilla, Pott-Dundas, Glasgow. Feb. 11, at 1; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Feb. 3.

Fernie, James Blyth, Esq., Kilmux, Fifeshire. Feb. 14, at 2; Tontine-hotel, Cupar. *Seq.* Feb. 3.

Gardner, John, Merchant, 6 St. Andrew-sq., Edinburgh (Lawrie & Gardner). Feb. 17, at 12; Crown-hotel, Princes-st., Edinburgh. *Seq.* Feb. 5.

Langan, Francis, Wine Merchant and General Commission Agent, sometime of 35 Crutched Friars, London (Langan & Co.), afterwards of 2 Cowper's-ct., Cornhill, Commercial Traveller, now residing in Cromwell-st., Stornoway, Island of Lewis. Feb. 14, at 2; Stevenson's Rooms, St. Andrew-sq., Edinburgh. *Seq.* Feb. 2.

Mackenzie, George, Writer, in Dingwall. Feb. 10, at 12; National-hotel, Dingwall. *Seq.* Feb. 2.

Ormiston, William, General Merchant, Glasgow (Ormiston & Co.) Feb. 15, at 1; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Feb. 4.

Wood, William, Cabinet Maker, formerly of Forfar, now in the Lunatic Asylum, Montrose. Feb. 15, at 12; County & Commercial-hotel, Forfar. *Seq.* Feb. 3.

Friday, *Feb.* 11, 1859.

Fraser, Alexander, Sculptor, Glasgow. Feb. 15, at 12; Faculty-hall, St. George's-pl., Glasgow. *Seq.* Feb. 4.

Rodgers, David, Lace & Muslin Merchant, Edinburgh. Feb. 15, at 2; 18 George-st., Edinburgh. *Seq.* Feb. 5.

Troup, James, & Son (Troup & Co.), and Alexander Troup, Manufacturers, Strathmigie. Feb. 21, at 1; Tontine-hotel, Cupar-Fife. *Seq.* Feb. 10.

Walker, David, Ironmonger, Leith. Feb. 17, at 2; Dowell & Lyon's-rooms, 18 George-st., Edinburgh. *Seq.* Feb. 7.

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C. B. CLABON, Secretary.

TO THE OWNERS OF HOUSE PROPERTY IN AND NEAR LONDON.

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This Society has been in full and beneficial operation since 1850. It was incorporated for the purpose of securing to LANDLORDS, TITHE-OWNERS, MORTGAGEES, TRUSTEES, and others, the receipt of INCOMES, from Estates, Houses, and other Property, with the same regularity as dividends from the Public Funds. The Society also Manages and Collects Rents without guarantee, offering the security of a large subscribed capital (£100,000), for the certain and prompt payment of all sums collected.

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When Clients are introduced *direct* to the Society by Solicitors, one-third of the Commission will be allowed, and the legal business connected with the Property will, in all cases, be referred to the Solicitor of the Client.

SUFFOLK-STREET, PALL-MALL EAST.—Eligible Leasehold Residence and Business Premises, on the Crown Estate, held for 61 years, at a ground-rent, and 1st for 7, 14, or 21 years, to a respectable tenant.

MESSRS. RUSHWORTH & JARVIS are directed by the trustees under the will of Edward Cresy, Esq., deceased, to SELL by AUCTION, at the MART, on FRIDAY, 25th FEBRUARY, at TWELVE, the capital LEASEHOLD RESIDENCE, with workshops in the rear, desirably situate No. 6, on the east side of Suffolk-street, a few doors from Pall-mall East, near Trafalgar-square. The house presents a handsome elevation, with good private entrance to the upper part, and the ground-floor is arranged for the business of a tailor, with workshops in the rear lighted from the roof. The premises are let to Messrs. Price & Ball, tailors, for 7, 14, or 21 years, from Lady-day, 1853, at the reduced rent of £200 per annum, and held for 61 years from Michaelmas last at a ground-rent.

May be viewed with permission of the tenant, and particulars had at the Mart; of Thomas Sismey, Esq., Solicitor, 11, Serjeants'-inn, Fleet-street; and of Messrs. Rushworth & Jarvis, Saville-row, Regent-street, and 19, Change-alley, Cornhill.

ST. JOHN'S-WOOD.—An elegant Cottage Villa, with good garden, suitable for a family of the highest respectability, with possession at Lady-day next.

MESSRS. RUSHWORTH & JARVIS will SELL by AUCTION, at the MART, on FRIDAY, 25th FEBRUARY, a desirable LEASEHOLD RESIDENCE, distinguished as Eglinton Villa, forming the centre of a group of three cottages, situate in Acacia-gardens, approached from Acacia-road by a private drive and shrubbery. The house contains four bed-chambers and a dressing-room, drawing and dining-rooms, library, hall, portico entrance, lobby, and water-closet, kitchen, scullery, larder, coal store, &c.; and in the rear is a large walled garden; held for a term, of which 61 years were unexpired on the 20th of December last, at a ground rent of £7 10s.

To be viewed by cards, to be obtained (with printed particulars) of Messrs. Rushworth & Jarvis, Saville-row, Regent-street, and 19, Change-alley, Cornhill. Particulars may likewise be had at the Eyre-arms, St. John's-wood; and of Mr. William Sym, 8, King's Bench-walk, Temple.

KNIGHTSBRIDGE.—Capital Leasehold Workshops and Show-room, with a small Residence attached, situate No. 5, Ann's-place, Kinnerton-street, the property of Messrs. Rogers & Dear, who have dissolved partnership.

MESSRS. RUSHWORTH & JARVIS will SELL by AUCTION, at the MART, on FRIDAY, 25th FEBRUARY, at TWELVE (with possession), the valuable LEASE of the capital light modern WORKSHOPS and SHOW-ROOMS, comprising three floors, with a small residence adjoining, situate No. 5, Ann's-place, Kinnerton-street. Held for 35 years from Midsummer, 1846, at the very low rent of £52 10s. per annum.

Particulars may be had of Messrs. G. A. Crawley & Son, Solicitors, 20, Whitehall-place; of James Johnston, Esq., Solicitor, 57, Chancery-lane; and of Messrs. Rushworth & Jarvis, Saville-row, Regent-street, and 19, Change-alley, Cornhill.

ADVOWSON OF TARRANT HINTON, Dorset.

MESSRS. DANIEL SMITH, SON, and OAKLEY, have received instructions to offer for SALE, at the MART, near the Bank of England, MARCH 23, the ADVOWSON of TARRANT HINTON, near Blandford, on the old turnpike road to Exeter, and in a delightful neighbourhood. The Parsonage is a modern Elizabethan erection, adapted for the residence of a good family. The glebe contains 82 acres, and the tithes have been commuted at £335 per annum. The present incumbent is in his 42nd year.

Further particulars will shortly appear; and information in the meantime may be had of Thomas Coombes, Esq., Solicitor, Dorchester; of Messrs. J. & W. Galsworthy, Solicitors, 12, Old Jewry Chambers; and of Messrs. Daniel Smith, Son, & Oakley, Land Agents and Surveyors, 10, Waterloo-place, Pall-mall.

NEXT PRESENTATION to the RECTORY of WICKHAM, in the County of HAMPSHIRE.

MESSRS. BEADEL and SONS are instructed to offer by AUCTION, at the MART, Bartholomew-lane, London, on TUESDAY, 22nd FEBRUARY, at TWELVE for ONE o'clock, the NEXT PRESENTATION to the RECTORY of WICKHAM, in the Archdeaconry and Diocese of Winchester, subject to the Life of the present Incumbent, who is in his 77th year. The rectory is very pleasantly situate a short distance from the church: it contains dining and drawing-rooms, library, six bed-rooms, dressing-rooms, work-room, and the usual domestic offices, delightful pleasure-grounds surround the house, and there is a large and productive kitchen-garden. The out-offices are a four-stall stable and coach-house, brewhouse, &c. The glebe adjoins the rectory; is well roofded; has suitable farm-buildings, and comprises 53a. 0r. 11p. of fertile land; there is the tithe commutation rent charge upon 242Sa. 2r. 36p. (including the glebe), the total value of the living being nearly £800 per annum. The rectory is situate in the favourite county of Hampshire, and is within about 4 miles of the Botley, and 3½ miles of the Fareham station, on the London and South-Western Railway.

Particulars and Conditions of Sale may be obtained of Messrs. Coode, Spilson & Co., Solicitors, St. Austell, Cornwall; Messrs. Coode, Kingdon & Cotton, 10, King's Arms-yard, London, E.C.; at the Mart; and of Messrs. Beadel & Sons, 25, Gresham-street, London, E.C.

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The Solicitors' Journal & Reporter *is published every Saturday morning in time for the early trains, and may be procured direct from the Office, or through any Bookseller or News Agent, on the day of publication.*

Subscribers are informed that the Subscription for Vol. 3 *is* now due. *The amount is* 2*l.* 12*s. per annum for the* Journal and Reporter, *and* 1*l.* 14*s.* 8*d., for the* Journal, without Reports, *which includes all Supplements, Title, and Index, &c. &c. Post Office Orders crossed "& Co.," should be made payable to* William Draper, 59, *Carey-street, Lincoln's-inn, at the* Branch Money-order Office, Chancery-lane, W.C.

Advertisements can be received at the Office until six o'clock on Friday evening.

"Another Solicitor," and a "Practitioner," are reminded of our rule, that the author of a communication must send (in strict confidence) his name and address.

An Articled Clerk will receive the information he needs (as far as we can supply it) next week.

THE SOLICITORS' JOURNAL.

LONDON, FEBRUARY 12, 1859.

TRANSFER OF LAND BILLS.

The Bills introduced by the Solicitor-General differ, in some important respects, from the scheme proposed by the Registration of Title Commissioners. The Commissioners, it will be remembered, advised the establishment of a general registry, on which any owner of land might place his name, with the power of summarily transferring his estate to a purchaser. To this scheme, as detrimental to the great bulk of the profession, we expressed a fortnight since our opposition; and we are glad to find that the Bills now introduced, though requiring very grave and careful consideration, are founded on a different basis. The Solicitor-General asks the House to establish a Landed Estates Court, similar in its nature to the Incumbered Estates Court of Dublin, and to enable any person, who has for five years been the owner in fee-simple of land, to apply to the Court, producing an abstract of his title and all necessary evidence, and to obtain, after due inquiries and precautions, and after a certain period has elapsed, an indefeasible title to his estate. This portion of the Government scheme is contained in the Bill which we print nearly in full for the information of our readers. That its operation would be attended with loss to conveyancing solicitors, we cannot believe. On the contrary, we have little doubt that it would considerably increase the business to be done in country offices, provided the feeling of landowners generally be in favour of availing themselves of the measure. We mention this proviso because one good feature in the Bill is, that its practical application will be entirely voluntary. Even should the desire for a declaration of title be manifested strongly among landowners, there is, it will be observed, one great restriction on applicants. Any person moving the Court must be an owner in fee simple, and, consequently, all land tied up in family settlements—and what a large proportion of real property is comprehended under this head—is withdrawn from the operation of the Bill. Looking, then, to these facts—the one, that a considerable part of conveyancing business will be left untouched; the other, that the *modus operandi* in those cases where the measure applies will be productive of profitable employment for solicitors—we are glad to believe that this portion of the plan is not such as need alarm the profession.

The second Bill, for establishing a registry of titles, provides that any landowner who has obtained a certificate from the Landed Estates Court may place his name on the register, and mortgage or sell his land thereafter in a very summary way. That the effect of this measure will be much diminished by the requirement of a previous application to the Court, instead of a general registry like that recommended by the commissioners, there can be no reasonable doubt. Nevertheless, it must gradually, and in the progress of years, produce a serious alteration in the mode of conveyancing business, and requires to be watched with a jealous and scrutinising eye. It would not be fair to the Government, and it would be impolitic for the interests of the profession, to make any declamatory onslaught on a measure which the law officer of the Crown has introduced with great ability, and which several eminent lawyers, solicitors as well as barristers, are known to have considered. But it will be most desirable that the probable effect of such a Bill should be duly canvassed; that all objections that can be fairly urged should be brought forward; and that the profession should, having made up its mind as to the best course to pursue, cause its weight to be felt in Parliament. We earnestly invite communications on the subject, and pledge our faith to fight the just battle of our body with energy, and we have little doubt with success.

Two points especially strike us as those on which evidence should be obtained, and action taken immediately. The income of a great proportion of provincial solicitors depends on their conveyancing business, and that income is regulated by a statutory system of remuneration. It is, we believe, absolutely essential that this system should be altered at once. We must not wait till the loss comes upon us, but obtain promptly from the Legislature, we think in this very Bill if it is to pass, a method of payment calculated to give a profit fully equal to that accruing under the present system of business. In the next place, we doubt the expediency of a single metropolitan registry. The feeling of the House of Commons, as shown not long since with reference to the Probate Act, is opposed to this sort of centralisation; and we have little doubt that if solicitors resolve on a modification of this part of the scheme, their views will be carried out The whole subject is of enormous importance, and as it is now fairly before the House, it is the absolute duty of the profession to take care that no hasty legislation is allowed.

THE MASTERSHIP IN LUNACY.

Mr. Higgins has resigned, and Mr. Samuel Warren reigns in his stead. The lesson administered has been salutary, and it is satisfactory to find that public opinion was too strong to admit of such an abuse of patronage. Our experienced correspondent, whose letter appears in another column, must permit us to say that no private opinion as to the ability or worth of Mr. Higgins, neither of which do we wish to dispute, can weigh for a moment in the scale against the public scandal of an untried barrister elevated to a most responsible judicial position, because he is a near relative of the Minister who disposes of the place. The German custom of promoting local judges may be good enough, but we never heard that Mr. Higgins was either local judge or anything else that could fit him to be a Master in Lunacy; and the rule which guided his appointment seems more akin to that of Turkey, where we have heard of a son succeeding his father as judge, on the speculation of hereditary aptitude. But on this point no more need be said. Mr. Higgins, we are sincerely glad to hear, is again installed in his registrarship, and the mastership is filled by a man of long

standing at the bar, already exercising judicial functions, and well-known to possess ability in more ways than one.

We do hope that this unlucky business may end in producing a better mode of distributing legal patronage than at present prevails. Why should there not be something in the shape of competition, not, of course, by examination, but by publicly notifying the vacancy, allowing free application, with a statement of claims and fitness, and requiring on the part of the patron an explanation of the reasons of his choice. We believe that some plan of this sort would do infinite good, not only in particular cases, but in whole classes of appointments. It would, for instance, probably lead to a more equal distribution of offices between the bar and solicitors, and secure for the latter those places which their special knowledge and experience best qualify them to fill. We have seen with regret that the claims of our body have once more been passed over by the appointment of Mr. Unthank to a Mastership of the Court of Queen's Bench. To Mr. Unthank personally we make not the slightest objection, but we urge strongly, as we have before done, the impolicy on public grounds, and the injustice to solicitors, involved in appointing barristers to these responsible places.

BANKRUPTCY LAW REFORM.

I.

The two schemes of Bankruptcy Law Reform, emanating from the Government and the National Association, having been fairly launched, we propose devoting a portion of our space in the present and a few succeeding numbers to an examination of the more salient features of each Bill, and an investigation of the principles upon which we consider a comprehensive and satisfactory measure should be based. In the outset, we may remark, that however much we may admire the candour and zeal displayed by the Government in abandoning the Bill introduced at the close of last session, and producing one of a more satisfactory character, we are quite unable to agree with the Lord Chancellor, that an amendment of the existing Acts should first be proceeded with, and a consolidation of the law left to the future. If there were but few defects in the existing law, and those of such an urgent nature as to call for immediate alteration, we admit it would be more convenient to complete the amendments before consolidation were attempted, but when the amendments required are so radical and extensive, that their enactment almost necessarily involves consolidation, and ample materials for the purpose are provided, we think it would be most injudicious, and unnecessarily add to the labours of Parliament, not to grasp the whole in one measure, more especially as the want of consolidation is, in itself, a great evil in the eyes of the commercial community.

The existing Acts are numerous, but the law is mainly contained in statutes passed during the present reign, the Bankruptcy Acts having been consolidated in 1849. Since these statutes were passed, the whole subject has been reported upon by a Royal Commission, and various Bills, containing important propositions, have, from time to time, been introduced into Parliament. In addition to these materials, the views and requirements of the mercantile community have found frequent opportunities for expression, and have been embodied in a convenient and practical shape, in resolutions passed at the Mercantile Law Conference, held under the auspices of the Law Amendment Society, and at the meetings of the National Association. The whole of these statutes and proceedings ought to receive the careful consideration of the Legislature, in discussing the amendments which are proposed even by the Government Bill; and nothing further is required, in order to frame a complete measure, beyond practical suggestions on matters of detail, and that care in preparing the Bill, and passing it through Parliament, which cannot be dispensed with when consolidation alone is attempted. It is, therefore, manifest that the Legislature will be saved the trouble of going twice over the same ground, and a more satisfactory measure produced, by dealing with the subject as a whole than by enacting amendments which do, in reality, affect every material part of the whole. The difficulty pointed out by the Lord Chancellor in distinguishing the proposed amendments from the provisions introduced for consolidation only, is easily overcome by a marginal reference, by the draughtsman, to the sections of existing Acts not proposed to be altered; and this has already been done in the Chancellor's Bill of last session (which we beg to remind his Lordship was intended to be a consolidating Act), and in the Bill introduced into the House of Commons by Lord John Russell on Tuesday last.

The provisions of the Government Bill are, on the whole, very admirable, and we hope the measure will speedily receive the sanction of the House in which it has been introduced; but we trust that when it is considered by the branch of the Legislature which more immediately represents the interests affected by it, it will be expanded into a more perfect measure, by embodying such portions of the existing law as are intended to be retained, and introducing such additional amendments from Lord John Russell's Bill as the House may approve.

Hasty legislation and frequent changes in the law are at all times to be deprecated—more especially so in matters affecting the complicated relations of debtor and creditor, and we can pledge ourselves that the commercial community will be saved a considerable disappointment if amendment and consolidation be combined, and that they will be much better satisfied to wait a reasonable time for a simple and complete code, in one statute, rather than submit to piecemeal legislation, however excellent, in other respects, each step towards a perfect measure may be. On no previous occasion has so much interest been excited amongst commercial bodies with reference to any project of law reform, and, if advantage be taken of this feeling, abundant practical suggestions and invaluable assistance may be obtained from those most qualified to afford them; but if the interest which has been aroused be allowed to subside, without a complete measure being carried, it may be a long time before a like concurrence of favourable circumstances again occurs.

CONCENTRATION OF COURTS.

A deputation from the Council of the Law Amendment Society had an interview yesterday with Lord Derby on the subject of the Concentration of Courts. Lord Brougham had promised to introduce the deputation, but was prevented by his judicial duties in the House of Lords. In the absence of his Lordship, Mr. Hastings explained to Lord Derby the views of the deputation, and strongly urged the immediate adoption of Sir Charles Barry's plan for a union of all the courts and offices in one building near to Lincoln's-inn. Mr. Strickland Cookson entered into minute details on the financial part of the scheme, and showed that the Suitors' Profit Fund was available for the purpose.

Lord Derby entered into a long conversation on the subject, and expressed great interest in the scheme. He thought that the most feasible mode of accomplishing the object would be, to appoint a select committee of the House of Commons on the subject. The deputation in retiring thanked his Lordship very heartily for the extremely kind manner in which he had received them, and the pains he had taken to enter into all the details.

Mr. Serjeant Merewether, Town Clerk of London, has resigned on a pension of £1000 a year, and Mr. Frederick Woodthorpe, who has been deputy Town Clerk for the last twelve months, was appointed to succeed him. The future salary is to be £1000, instead of £2500.

The Courts, Appointments, Vacancies, &c.

On Monday last, at the Southwark Police Court, Mr. Elliot the magistrate, decided that omnibus conductors had a right to demand the pre-payment of fares, or refuse to admit passengers into their vehicles.

Vice-Chancellor Sir W. P. Wood, in a case heard before him on Wednesday last, expressed an opinion that it was not advisable that solicitors should accept the office of trustees, observing that when they did so they placed themselves "in a position of great difficulty and responsibility." He also stated that he felt considerable regret at seeing clauses, enabling solicitors who were appointed trustees to charge for their work, so frequently inserted in trust deeds. We are unable to see why, on the one hand, a solicitor should be supposed to be disqualified from acting as a trustee, and why on the other hand if he does so act, he should not be allowed to charge for strictly professional services. The opinions expressed by the Vice-Chancellor seem to cast an unmerited reproach upon a class of gentlemen who are at all events as honourable as their neighbours.—*Leeds Mercury.*

Mr. Unthank, of the northern circuit, has been appointed Master of the Court of Queen's Bench in the room of the late Mr. Bunce. The learned gentleman has been in practice for many years, both as a pleader and a barrister, and is, beyond all question, eminently qualified for the office to which he has been appointed.

Mr. Samuel Warren, Q.C., has been appointed Master in Lunacy in the place of Mr. Higgins, who has resigned. The *Globe* adds, "We hear that the hon. and learned gentleman is anxious at the same time to retain his seat for Midhurst, but it is not likely that a course so unusual and so contrary to the spirit of the constitution will be permitted." Mr. Higgins returns to his former post of registrar in bankruptcy; Mr. Scott to his office of principal secretary to the Lord Chancellor; and Mr. Phillips loses the appointment which he has held for a week of principal secretary.

Notes on Recent Decisions in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law.*)

Joint Stock Company—Fraudulent Reports—Authority of Directors to bind the Company—Laches.

Re The Royal British Bank, Ex parte Nicol, 7 W. R. 217.

The full Court of Appeal in Chancery have recently given judgment in this very important case. The questions argued related to the rights and liabilities of a shareholder who had been induced to join the company through the fraudulent misrepresentations of the directors. These questions are well discussed by the Lord Chancellor in his judgment, which will repay a careful perusal. The facts were shortly these:—Mr. William Nicol became the purchaser of twenty new shares in the Royal British Bank, on the 8th of March, 1855, and paid his deposit and certain calls. He signed the supplemental deed under which the shares were issued, and received a dividend, which he retained, and did not offer to return. He was induced to take the shares by Alderman Kennedy, who furnished him with a copy of the printed report and balance-sheet of the Bank, ending December, 1854, and a circular letter of the directors of March, 1855. It was admitted that these documents contained false representations of the state of the bank, but they were only primarily intended to be read by those who were shareholders at the time. In February, 1856, Mr. Nicol employed a broker to sell ten shares, who sold them through another broker to a person named Empson. They were really bought for Cameron, the manager of the bank, who used Empson's name, the agent of the bank. Afterwards, the company being wound up, Mr. Nicol's name was placed on the list of contributories by the chief clerk, but removed by V. C. Kinderaley, his Honour being of opinion that the case came within the principle of his decision in *Brockwell's Case* (4 Drew, 205, S. C., 5 W. R. 858). The official manager appealed, and the questions raised in argument on the appeal were as follows:—1. Was Nicol induced by fraud to become a shareholder, and were the directors agents of the company for the purpose of making the misrepresentations? 2. Supposing the contract to be voidable, had he estopped himself by his own laches or acquiescence? 3. Did he divest himself of his liability by the transfer of his shares? The Court being in favour of Mr. Nicol on the last point it did not become really necessary to decide the first two; but in consequence of the great importance of the subject their Lordships gave their opinions of them. From their judgments the following propositions may be deduced:—

1. A shareholder who has been deceived into taking shares by the fraudulent misrepresentations of a report published by the directors, may maintain an action or suit on the deceit against the individual directors for the damage. And it is clear that the directors will be so liable, whether they knew that they were stating falsehoods, or merely pledged themselves to statements of which they knew nothing (*Evans* v. *Edmunds*, 13 C. B. 786; see also *Rawlins* v. *Wickham*, ante, 147). And it appears that, even though the report was not originally intended for the public, but the directors gave it unauthorised publicity, in order to deceive the public, they will be individually liable (*Scott* v. *Dixon*, lately decided in the Queen's Bench).

2. But the case is different where the remedy sought is against the company at large, whether by suit against the members, or by proceedings to escape contribution for their debts. The question, then, is, how far the directors were the agents of the company at large for the purpose of the misrepresentation. The ordinary law of partnership, where each partner is agent for the other, does not apply, because the public have notice that the directors are only agents for certain purposes, and cannot go beyond the powers conferred by their deed. Still (as *Turner*, L. J., observes), if the company would be responsible for misrepresentations made by themselves, they must be so, to some extent, for misrepresentations made by those to whom they have entrusted the conduct of their affairs; and the limits of this agency seem still undefined. The only proposition on this point which we can deduce from the case before us is, that where the directors make false statements to their own shareholders in their reports, and then think proper to give them unauthorised circulation among the public, they are not the agents of the company for that purpose, and the company is not bound, unless in some extreme case, as in *Wells' Case* (22 Beav. 35).

3. Where a shareholder who has been deceived into taking shares lies by, and receives dividends, and does not take measures to set aside the transactions till the company is being wound up, he shall not be then allowed to repudiate it. A contract obtained through fraud is not void, but voidable; and this doctrine of repudiation cannot prevail if a party, by his own act or laches, has put it out of his power to place the parties in the same condition as they were in before the contract.

Vendor and Purchaser—Transfer of Railway Shares in Blank—Broker—Agency.

Tayler v. *Great Indian Peninsular Railway Company*, 7 W. R., V. C. W., 182.

The question in this case arose out of a custom which appears to exist among stockbrokers, of having transfers of shares executed by the vendors in blank, and which in the present case was taken advantage of for the purpose of perpetrating a fraud on the vendor. The plaintiff was the owner of £20 shares, and also of £2 shares, in the above railway, and instructed his broker to sell sixty of his £2 shares. The broker prepared two printed forms of transfer, the name of the transferee, the consideration, and the number and distinguishing numbers of the shares being all left blank; but they were stamped with a stamp sufficient to cover £20 shares. In this case the plaintiff executed them, not observing the amount of the stamp, and supposing that they were intended for the transfer of his sixty £2 shares, which the broker told him had been sold for £135. It appeared, however, that the broker had sold eighty £20 shares for £1600 in the market, and he handed the transfers to the purchaser, who filled up the blanks with the numbers and amounts of these shares. The fraud was discovered by the secretary of the company giving notice to the plaintiff of the intended registration of the transfer; and the plaintiff then filed his bill, to have the deeds of transfer delivered up to be cancelled. *Wood*, V. C., held that, although the plaintiff was guilty of negligence in executing the blank transfers, yet those documents were merely waste paper, and the transferees having taken instruments which were on the face of them void at law, must bear the loss (see *Hibblewhite* v. *M'Morine* (6 M. & W. 200), and he refused to acknowledge any such custom as was said to exist on the Stock Exchange as to accepting such transfers in blank.

Lands Clauses Consolidation Act—Costs—Successive Reinvestments.

Ex parte The Trustees of St. Bartholomew's Hospital, 7 W. R., V. C. K., 224.

The 80th section of the Lands Clauses Consolidation Act provides, that the company paying purchase money into court

shall pay the costs of one reinvestment only in lands; unless it shall appear to the Court that it is for the benefit of the parties interested in the said moneys, that the sums should be invested in the purchase of lands in different sums and at different times, in which case it shall be lawful for the Court, if it shall think fit, to order the costs of any such investment to be paid by the promoters of the undertaking. This discretion of the Court has been exercised on various occasions, and the present is rather a remarkable instance. The London and North Western Company took land belonging to St. Bartholomew's Hospital, and paid in a sum of money which, with accumulations, amounted to £1152. Two reinvestments in land had already been made, one of £288, the other of £621; and the Hospital now asked for a third reinvestment of £90, leaving £53 still in court. The company remonstrated against paying the costs of this third reinvestment, having already paid costs to the amount of £174. The land proposed to be purchased consisted of a small strip of land abutting on one side on land belonging to the hospital, and on the other on land belonging to another charity, for which the trustees of the hospital were trustees. The Vice-Chancellor held that the purchase was clearly for the benefit of the hospital, and made the company pay the costs. (See "Seton on Decrees," 2nd ed., 665.)

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

I. IN BANC.

Landlord and Tenant, Law of.

Lofft v. *Dennis*, 7 W. W., Q. B., 199.)

It has long been established law, that a lessee who covenants generally to pay rent, is bound to pay, even though the house demised be burnt down. In the case of a term, till the end thereof (*Monk* v. *Cooper*, 2 Stra. 763); in the case of a tenancy, from year to year, till the expiration of a regular notice to quit (*Baker* v. *Holtzappfel*, 4 Taunt. 45). At one time the courts of equity so far relieved the tenant against this doctrine, which certainly seems a harsh one, as to restrain the landlord from, suing for rent till he rebuilt the premises (*Brown* v. *Quilter*, Amb. 619); but, in more modern times, it has been held, that in such cases the tenant has no equity (*Leeds* v. *Cheetham*, 1 Sim. 146; *Holtzappfel* v. *Baker*, 18 Ves., jun., 115). Such being the state of the authorities, an attempt to overturn them was made in the present case. The defendant was sued for the use and occupation of a farm-house, some of the buildings of which had been accidentally destroyed by fire. He placed on the record an equitable plea, to the effect, that the landlord had insured the buildings in question (which were of a description much to enhance the value of the premises), and having received the sum insured, had not expended the same on the rebuilding of the premises. This plea was demurred to; and the Queen's Bench, without calling on the plaintiff, gave judgment against the defendant—remarking, that the law of Scotland, as to this point, was different from that of England, in which it is no excuse for non-payment of rent that the landlord has insured and received the money, if he has entered into no covenant to lay it out on the premises.

It may be observed that Lord St. Leonards is answerable for this bad plea. He says in his "Handy Book" (p. 101), that a landlord who, after letting his house, insures the same, and receives the money, cannot compel payment of the rent if he declines to lay out the money in rebuilding. This is clearly a mistaken proposition, and is a good example of the danger of over-generalisation. The above case may be noted in Woodfall's "Landlord and Tenant" (b. ii. c. 1, s. 7).

Life Insurance, Law of.

Jackson v. *Forster*, 7 W. R., Q. B., 202.

The point decided by the Queen's Bench in this case is an interesting one in the law of life insurance. It is an ordinary condition in a life policy, that the same shall be void if the life assured die by suicide; but on this condition there is not unfrequently engrafted an exception to the effect, that the policy shall nevertheless be valid to the extent of the interest bonâ fide acquired therein by any third party, either by assignment or lien for a valuable consideration, or as security for money. The question in the present case was, whether an assignment by the operation of the bankruptcy law, i.e. an assignment vesting the policy in the assignees of the estate of the assured—a bankrupt who had committed suicide—came within an exception of the above nature; whether, in other words, the assignment therein mentioned may be by act of law, or whether it must be an assignment by the act of party. The Court (though on the part of *Crompton*, J., with much hesitation) held that the policy was altogether void, and that no interest thereunder passed to the assignees in bankruptcy. The legal effect of a policy which contained a somewhat similar exception on the ordinary condition as to suicide, &c., has been carefully and very recently discussed in *Moore* v. *Woolsey* (4 Ell. & Bl. 243). The present case may also be noted at p. 411 of the sixth edition of "Smith's Mercantile Law."

Practice at Judges' Chambers—Striking out Pleas.

Rossie v. *Grant*, 7 W. R., C. P., 203.

Now that points of pleading are so generally decided at chambers, and so seldom reported to the profession, a case throwing light upon the practice thereon is of much value. Some information may be gleaned from the present case, as to the manner in which the Court will review the decision of a single judge, on questions as to the propriety of the pleas on the record. To a declaration by a seaman against his captain for an assault, containing also an indebitatus count for wages, the defendant (among other pleas) pleaded to the last-mentioned count, a plea to the jurisdiction of the Court under the Merchant Shipping Act, 1854 (ss. 188, 189). This was struck out by *Byles*, J., as vexatious; but the Court, in banc, held that the defendant had a right to put it on the record—running the risk of its being demurred to, and judgment thereon being ultimately given for the plaintiff; which would give him the substantial fruits of the action, as the defendant was under terms to plead issuably. And they did not hesitate to review the decision at chambers, in accordance with their usual practice in all cases where the single judge acts as the *deputy* of the court, and not in the exercise of an exclusive jurisdiction conferred on him by Act of Parliament.

II. RELATING TO MAGISTRATES.

Appeal from Justices' Decisions, Costs in.

Moor v. *Smith*, 7 W. R., Q. B., 206.

This is an important case, laying down the practice as to the Crown's liability for, and right to have, costs in proceedings taken by way of appeal from the decisions of justices under the recent statute of 20 & 21 Vict. c. 43; by which Act any point of law arising on an information or complaint summarily determined before them, may be brought before one of the superior courts in the form of a case for its opinion. In the present case the conviction was affirmed in the Queen's Bench, and judgment on the case given for the respondent *with costs*. On an application to strike out so much of this judgment as directed the payment of costs by the appellant, on the ground that the Crown was the real respondent, and could neither receive nor pay costs, it was replied by the Court that though the Crown is not bound by a statute unless expressly named yet the 4th section of the Act in question, referring, as it did, to the Attorney-General, thereby bound the Crown. Hence, in these appeals, costs may be given either for or against the Crown, in the name of the appellant or respondent, as the case may be; and it would appear that in the case of judgment being given against the Crown, the practice would be to apply for payment to the Commissioners of the Treasury, to be enforced if necessary by mandamus. See per *Crompton*, J., in the recent case of *The Queen* v. *Beadle* (7 Ell. & Bl. 498), a decision distinguishable from the present one as turning upon a statute by which the Crown was *not* bound. Consult also Oke's "Magisterial Synopsis" (6th ed.), p. 210, where the present case should be noticed.

III. COURT OF CRIMINAL APPEAL.

Dogs, obtaining by False Pretences—Rape, Crime of.

Reg. v. *Robinson*, 7 W. R. 203, *Reg.* v. *Fletcher*, *id.* 204.

In the first of these cases the prisoner had been convicted on an indictment (under 7 & 8 Geo. 4, c. 29, s. 53), charging him with having obtained certain *dogs* by false pretences. The only way in which the offence committed could be brought within the above provision was by holding dogs to be "chattels;" but in opposition to this, it was successfully argued that the "chattels" intended by the Act were such as might be the subject of larceny at common law; and that in all the books it is laid down, that dogs cannot be the subject of larceny at common law, though stealing them has recently (by 8 & 9 Vict. c. 47) been made a misdemeanour. The conviction was consequently quashed.

In the other case, the prisoner had been convicted of having had carnal and forcible knowledge of a girl incapable of con-

sent, owing to a defect of understanding. This was held to amount to the crime of rape, chiefly on the authority of *Pattison*, J.'s, reading of the statute of Westminster 2, c. 34, which defines the offence to consist in ravishing a woman "where she did not consent," and not in ravishing her "against her will." See *Reg.* v. *Ryan* (2 Cox, C. C., 115), and *Reg.* v. *Camplin* (1 Den., C. C., 90). The particular point on which these cases proceed does not appear to have been judicially discussed at the date of the third edition of Russell's admirable "Treatise on Crimes and Misdemeanours;" but they should be added to the decisions considered in book iii. c. 5, s. 1, of that work.

Parliament and Legislation.

HOUSE OF LORDS.

Friday, Feb. 11.

BANKRUPTCY AND INSOLVENCY.

Lord CRANWORTH moved for a return of the number o traders and non-traders who had taken the benefit of the Protection Acts.

The Lord CHANCELLOR postponed the second reading of his Bankruptcy Bill till Thursday next.

TRIAL BY JURY.

Lord WENSLEYDALE moved for the number of civil cases in which juries have been locked up to consider their verdict.

Monday, Feb. 14.

LAW OF PROPERTY AND TRUSTEES RELIEF.

This Bill was reported with amendments.

Tuesday, Feb. 15.

Lord BROUGHAM, in presenting a petition from certain inhabitants of the island of Jamaica respecting the Cuba slave-trade, spoke in terms of high praise of the Brazilian and Portuguese Governments for their efforts in suppressing that traffic. He contrasted the conduct of these two countries with that of Spain, and strongly condemned the latter for her systematic violation of treaties and evasion of her just duties.

Thursday, Feb. 17.

LAW OF PROPERTY AND TRUSTEES RELIEF.

This Bill was read a third time; Lord St. LEONARDS presenting a petition from the Liverpool Law Society in its favour. Lord DERBY intimated some objection to the 25th clause.

HOUSE OF COMMONS.

Friday, Feb. 11.

NEW MEMBER.

Mr. Samuelson took the oaths and his seat for Banbury.

PATENT LAW AMENDMENT ACT.

Mr. T. DUNCOMBE asked the Chancellor of the Exchequer whether it was the intention of the Government to introduce any measure for the improvement of the working of the Patent Law Amendment Act (1832), or to reduce the stamp duties payable on letters patent for inventions, especially the £50 payable before the expiration of the third year, and the £100 payable before the expiration of the seventh year of the patent right, which falls due next autumn.

Sir S. NORTHCOTE said, that no alteration was intended further than an alteration in the site of the Patent Office. The hardship of paying £50 or £100 for a patent was real while it was necessary that it should be paid in the first instance. Now, that time was allowed for ascertaining whether the invention would be remunerative, he should not feel disposed to remit the payment.

THE NEW POST OFFICE REGULATION.

Mr. RICH called attention to the inconvenience and hardship produced by the new rule of the Post Office, as to returning unpaid letters to the writers.

TRANSFER OF LAND AND REGISTRATION OF TITLE.

The SOLICITOR-GENERAL brought in two Bills on this subject. After adverting to the history of the law of real property, and the attempts which had been made in former times to simplify its transfer, quoting a remark of Sir Matthew Hale, that he would be ready to give one more year's purchase could he be sure thereby to have a good title; and, after alluding to the Lords' Committee in 1846, he proceeded to answer the question, What were the evils complained of? They were twofold. The first evil was the length of time that must elapse between the making of the bargain and the completion of the purchase. If one bought stock or railway shares, the purchase might be completed and the money paid in a few hours; but, perhaps, a more extraordinary instance of the facility of transfer of various kinds of property was the case of ships. Even the largest ships, such as the *Himalaya*, or the *Great Eastern* itself, might be transferred, the contract made and the sale completed in five minutes, and at an expense of less than 5*s*. The mode in which a transfer of shipping property was effected was by a simple document in a common form, and a simple entry in the registry of shipping. Now, compare that with the case of landed property. You bought an estate at an auction, or you entered into a contract for the purchase of an estate, You were very anxious to get possession of property you had bought, and the vendor was very anxious to receive the money for which he had sold it. But could you get possession of it at once? On the contrary, there began a business which would occupy a considerable portion of one man's life—the preparation of abstracts, the comparison of deeds, the search for encumbrances, the objections raised to the title, the answers made to those objections, the disputes which would arise, and replies to them, and the endeavours made to cure defects; so that months and months, or, as many lawyers were aware, years and years might pass by in a history of this kind; and he should say it was an uncommon thing, in this country, for any purchase of any magnitude to be completed by possession and payment of the price, at all events, within a period of less than twelve months. Unquestionably this delay was a very great evil, but it was not the greatest evil. He could well imagine that the purchaser of an estate might be inclined to submit to delay, and to some considerable expense, if he were assured that at all events he would have a title about which for the future there would be no difficulty. Unfortunately, this was not the case. You bought an estate one day; then you spent a year—two or three years—in ascertaining whether the title was good; at last you were satisfied; you paid the very considerable expense incurred in the process, and you obtained a conveyance of the estate. But suppose a year only or so afterwards you desired to raise money by mortgage on that estate, you found some one who would lend you the money upon it; but he said, "I cannot be bound by your investigation of the title, nor can I be satisfied with it;" perhaps he was a trustee, lending money which he held in trust, and he would be the more particular about it; he said, therefore, "My solicitor must examine the title, and my counsel must advise me upon it." Then began between you and the solicitors on both sides a repetition of the same process, the same delays, the same investigations of title, and the same costs and expenses that occurred when you bought the estate. For all that of course you, the owner of the estate and the borrower of the money, must pay. But that was not all. Months or years might pass by, and then suppose you were compelled by circumstances to sell your estate, and found a person willing to purchase it; then the same process must be gone through again. These were the salient evils in the present system of landed property; and how was it possible to remedy these evils? A precedent for the course to be adopted was found in the Incumbered Estates Court in Ireland. That court was originally established with two principal objects, which were quite distinct from each other. The first was to afford the means of enforcing a compulsory sale of encumbered estates, and the second object was, by a sale of that description, to confer on the purchaser a Parliamentary title. The result of the court was unquestionably successful. The value of estates sold in it rose; and finally it was decided by Parliament, and wisely so decided, to extend that system to unencumbered estates also, because it was found that, for the sake of getting a Parliamentary title, owners would put on fictitious encumbrances to bring their estates into the court. Then a further question arose, whether, having given power to that Court to sell, with a Parliamentary title, estates encumbered or unencumbered, it would not be desirable to allow the Court to give an indefeasible title to any owner who might not want to sell, but might be ready to prove the validity of his title. The reasons for adopting this course seemed irresistible, and the result was, that the House during the last session had armed the Incumbered Estates Court with power to give an undefeasible title upon all sales, to any owner who could prove his right of possession. No person doubted that the system was advantageous to the public. But beyond that it was necessary to inquire whether any danger had occurred to individuals. A commission was appointed in 1855 to inquire into the working of the Incumbered Estates Court. A full inquiry took place, and the result was this:—It was found that sales had taken place to the extent of £20,000,000 in money—that the conveyances executed by the

Court had exceeded 7000 in number, and if the number that had since been executed were added, the total number would be 8500. The acreage that had passed through the court was in round numbers 3,500,000, about one-seventh of the acreage of the whole country. Mr. Hargreave, one of the commissioners, stated that he had heard of only two cases in which any wrong had been done in the investigation of the title and the sale of land. But both these cases had been discovered before the completion of the sale, and neither was of any importance. The fact that there had been so much safety in these transactions might be attributed to three considerations—first, that the invariable question of the commissioners had been personally, and on their own responsibility, to examine the title in every case; secondly, the power which the Court possessed of requiring evidence to be brought before it, so that any appearance of doubt or obscurity might be removed; and thirdly, that it was the practice of the Court to issue advertisements and serve notices, and give every publicity to its proceedings. Now, he would ask, was there any reason why a system which had worked so well in Ireland should not be equally applicable to England? The only reason he had heard assigned for the difference was this:—It was said that in Ireland there was a registry of deeds, which gave greater security for the state of every title; that there was an Ordnance survey of six inches to the mile; and that there was a uniform valuation for the whole country. Against these reasons he would set the advantages which existed in this country. We had a better system of conveyancing; we had our titles in better order. The result of the argument appeared to him to show, that we ought not to hesitate to apply to this country one part of the system introduced by the Incumbered Estates Court — that part which authorised the Court to confer an indefeasible title. The other part of the system he should be sorry to introduce, because in this country there was no occasion to force the sale of incumbered estates, the usual course of law being sufficient to answer every purpose. He would now give to the House an outline of the scheme which was embodied in the first Bill. He proposed that any owner in fee simple of the land, or any person who had the power of disposing of the fee simple of the land, and who had been in possession by himself or his predecessors for five years, or in the receipt of rents, might apply to the Court, which he would presently describe, for a declaration affirming his title to that land. It would be necessary for him to supply the Court with abstracts of title and a description of the land; and it would be the duty of the Court to see that two things concurred—first, that there was on the document a primâ facie title on the part of the applicant; and, secondly, that he was willing to give a pledge to make good any costs that might be incurred in the further investigation of title. The Court would then proceed, by advertisements in the newspapers, and by notices, to make it public that an application had been made for a declaration of title. It would be competent for the applicant to say that he did not claim a clear title, and that it was subject to certain incumbrances, and in that case it would be the duty of the Court to declare that fact. It would be necessary for the applicant truly to state any incumbrance, because it would then be stated in the advertisement, and then there would be no person to object to the declaration. On the other hand, if the incumbrance was not stated, the person holding it would be able to come before the Court. The same course would be taken in the case of there being more than one owner of the estate. He had fixed on two periods, at the end of the first of which the Court might make a provisional declaration of title, and at the end of the second it would be absolute. He proposed to fix twelve months for the first period, and three for the second. There were certain charges to which every title was subject, such as easements, and matters of that kind. It was not proposed to interfere with such things in the declaration of title. The same remark would apply to leases, and the declaration would be made subject to such leases. The effect of the declaration, when made, would be this:—It would be efficacious in substance for the purpose of a change of ownership. He did not propose that the declaration of title should be indefeasible so long as it was merely held by the persons obtaining it, but that it should serve the purpose of alienation for a valuable consideration. He proposed that an office copy of the declaration should be given by the Court, which would be a certificate of title to the owner. The same process would be pursued in the case of sale. The vendor and the purchaser would apply to the Court, and a conveyance would be made to the purchaser. With regard to any doubtful claim, he proposed that if it should be in its nature reducible to a simple money claim, the Court should have the power to require the sum to be set apart to meet that claim in case it should arise. He proposed further that the power of giving a title should apply to sales under the Settled Estates Act and under the Court of Chancery, in each case the Court having the power of investigating the title. In addition to these provisions, he proposed a safeguard and check which had not been thought necessary in Ireland, but which was so simple and easy that it ought to be adopted—namely, that if there should be any claim to any estate unascertained or of a remote description that might be overlooked on the declaration of title, power should be given to the person who conceived that he had a claim to lodge with the Court a caution or caveat, the result of which would be, that if an application should be made for declaration of title the person lodging the caveat should be entitled to notice. Having stated the course to be pursued by the Court, he would now lay before the House his proposition with reference to the Court itself. After the most mature consideration, he had come to the conclusion that the nature of the responsibility was such that it could not be conveniently handed over to any of the existing Courts, because all the Courts had as much business as they could get through, and also because the business to be transacted differed from the business transacted by these Courts as much as one business could differ from another. The business to be done would resemble that performed in a conveyancer's chambers. It would consist of investigations of title, the reading of abstracts, the attempt to discover whether all that was material had been brought before them, and whether on these materials the title could safely pass. He proposed to appoint a chief and a secondary judge, and that the qualification for both these judges should be this—that they should have practised as conveyancers for ten years, or have filled for a certain number of years the position of judge in the Landed Estates Court of Ireland. The salary of the chief judge would be £3000, and that of the second judge £2500. He proposed that there should be a secretary and chief clerk to each judge, and that the Court, with the concurrence of the Lord Chancellor, should have the power of making rules and regulations. In case of questions of law or practice arising, the Court would have the power to submit such question to another Court. They proposed that those who made their title good should have a declaration of it But that was not the whole. There were many titles which were substantially good, but were open to certain technical objections, which were generally guarded against by conditions of sales, and which, in strictness, were of a nature that prevented any one saying that they were absolutely good. But it was very rarely the case that these technical objections could not, by a little trouble and expense, be perfectly cured. The course that he proposed was, that all who had a good title should get a declaration; that those whose title was good, subject to technical objections, should also come in and get their declaration; and then they all knew there must come, sooner or later, with regard to other titles, a time when they would be cured of their defects by long possession, if by nothing else, and they also in their turn would receive the benefit of the declaration. The question that next arose was this: What would they do with their title when they had secured it? Would they allow it to be clouded over again, or could they devise a simple and easy mode of transfer by means of a register—a register upon which they could put the name of the owner of the estate, and from time to time have on that register the name of some person who would at all times have power to transfer the title of the estate, subject of course to the claims of those parties who might have a right and priority of transfer. He then referred to the report of the Commissioners in 1856, among whom were the Speaker, Mr. Walpole, Sir Alexander Cockburn, Mr. Headlam, Mr. Lowe, Mr. Napier, Mr. Vincent Scully, and Mr. Cookson. He had adopted, to a considerable extent, the report of the Commissioners; he proposed to confine the plan as to the registration of title to those cases in which a declaration of title had been made. A registry of title was quite different from a registry of deeds, to which he was entirely opposed. He proposed that when a man had once got into a condition of receiving a declaration of title, to give a power to the person having that declaration, to put his name on the register, and once on the register, that was to be conclusive, subject only to caveats. The same thing, of course, would take place with regard to subdivisions of the estate. There would then be an owner for each subdivision. With regard to leases, he did not propose in any way to affect twenty-one years' leases. When a tenant was in possession, it would go on just as at present. With regard to leases longer than for twenty-one years, he proposed the holder of such lease should have a right to put on the register what would be called a leasehold notice, and then before

say dealing with the estate could take place they would have notice of that lease. Then with regard to mortgages, which also did not involve the transfer of the estate. Many people borrowing and lending did not care a straw if the transaction were proclaimed at Charing-cross, but many wished to keep it secret. They proposed to deal with both cases; to have a power of registering mortgages, just as they registered mortgages for ships. They would pass by transfer on the register from one man to another; they would appear on the register, and be in themselves a sort of estate. That would meet the cases as to which there was no desire for secrecy. But they proposed that mortgages might go on unregistered, and that any person who had a mortgage of this kind might protect himself by a mortgagee's caveat, which would reveal nothing, but simply be a cavent on the register, which would entitle him to notice before any person could sell the land. With regard to dealings with estates by transfer, any person would have nothing to do but to say, "I will give you so much money for the estate if you show me your name on the register, and there is no caveat; or if there be you have only to settle with them, and here is your money." With regard to settlements, when it was desirable to settle an estate the course would be simply to transfer to the trustees under the settlement; and he proposed adopting a valuable suggestion in the report of the commission, that those trustees should be tenants in common, and not joint tenants—that was, there should be no survivorship between them, but the moment one died the other had, from that very circumstance, an incapacity to deal with the land till another was appointed in his place. As to caveats, he proposed that they should be of two kinds, caveats proper, and another form of them, termed inhibitions. With regard to caveats, any person who thought he had a right to an estate on the register might put in a caveat, the effect of which would be, that no dealings would take place for a certain number of days after notice was given to him, just as in the case of stock, and if the owner could give proper security for the whole value of the estate he might, after a certain number of days, transfer the estate. And so also the Court might, if it thought proper, put in an inhibition, which would be of a more permanent character. These inhibitions would be put in in the case of settlements in which there was to be no sale—say until a person had arrived at the age of 21. The register would be metropolitan, both for convenience of access, and to save expense. With regard to the registry, it was proposed that that also should be made in some measure self-supporting; that a small fee should be charged, those fees to be regulated by the Bill. But, inasmuch as the registry was to be limited to those estates to which there was a good title, and inasmuch as he had said a period of fifteen months would elapse before there could be a declaration of title, he proposed that the commencement of the court should be fixed by Order in Council, and when other parts of the measure had made progress.

Sir RICHARD BETHELL and Mr. LOWE expressed strong approval of the Bill.

Mr. MALINS and Mr. AYRTON suggested doubts as to several of its provisions.

Monday, Feb. 14.

JOINT STOCK BANKS.

Mr. COX gave notice that on the 22nd inst. he should move for leave to bring in a Bill to compel joint stock banks, which were liable to register under the Limited Liability Act, to do so before the 1st of December next.

THE REFORM BILL.

The CHANCELLOR of the EXCHEQUER gave notice that on Monday, the 28th inst., he shall introduce a Bill to amend the law relating to the representation of the people in England and Wales, and to facilitate the registration and voting of electors.

UNPAID LETTERS.

Mr. RICH gave notice that on the 22nd inst. he should submit a motion with a view to take the sense of the House on the recent order of the Postmaster-General as to unpaid letters.

THE NEW MASTER IN LUNACY.

Mr. CLIVE called attention to the appointment of Mr. W. F. Higgins, a son-in-law of the Lord Chancellor, to the judicial office of Master in Lunacy; Mr. Higgins having only nominally been called to the bar, and having been a clerk in the Colonial Office till a few months since.

The CHANCELLOR of the EXCHEQUER objected that no notice had been given of Mr. Clive's observations, but promised to make inquiry on the subject.

HIGHWAYS AND ROADS.

The Highways Bill was read a second time, on the motion of Mr. HARDY, who stated that its object was to reduce expense, which had increased a million within twenty years. The Bill would unite different parishes into districts; and, instead of upwards of 17,000 persons being employed as surveyors, the number would be reduced to 400. The Bill proposed to make compulsory the system of union that was now voluntary.

Tuesday, Feb. 15.

YORKSHIRE ASSIZES.

Mr. CHARLESWORTH asked the Secretary of State for the Home Department if it was the intention of the Government to advise her Majesty to remove the assizes for that riding from York to Wakefield.

Mr. WALPOLE admitted that the question was of immense importance to the West Riding of Yorkshire; before any determination was come to, the claims of the different towns must be considered, but he was not prepared to say that any decision had been made on the subject.

LAW OF LUNACY.

Mr. TITE moved for a select committee to inquire into the laws relating to the care and treatment of lunatics, especially those so found by inquisition. This question was one of great social importance, there being no fewer than 23,000 lunatics in England alone, of whom 17,572 were paupers. There were three distinct jurisdictions with regard to lunatics, applicable respectively to lunatics under the Court of Chancery, to lunatics confined in public and private asylums, and to criminal lunatics. Numerous Acts had been passed on this subject since 1828. In 1853 Lord St. Leonards' Act referring to lunatics under the Court of Chancery was adopted, and its operation had proved exceedingly inconvenient and oppressive. The Court of Chancery had about 600 lunatics under its care, and the amount of property under the commissioners was upwards of £200,000. What was wanted was a consolidation of the law as well as of the functions of the different boards which had jurisdiction over this unfortunate class of persons.

Mr. WALPOLE acceded to the motion, and would refer to the committee two Bills which he was about to introduce, one relating to county asylums, the other to private houses. With regard to the latter, there were four things to be provided for—1. That the original confinement should be proper. 2. That the house should be suitable. 3. That every patient should be discharged as soon as recovered. 4. That the treatment should be as good as possible. These objects were aimed at by the measures he had prepared; and the Solicitor-General would also refer to the committee a Bill regarding persons found lunatic under inquisition.

BANKRUPTCY AND INSOLVENCY.

Lord JOHN RUSSELL, in moving to introduce his Bill on this subject, explained that he had presided at Birmingham in 1857, on the jurisprudence department of the National Association, and had then recommended the representatives of the Chambers of Commerce and Trade Protection Societies to confer together in order to harmonise their views. That suggestion had been adopted, and a Bill carrying out the opinions of these bodies was prepared, and submitted by him to the House last year. His Lordship then adverted to the relations of traders to their creditors, the origin of the bankruptcy law, the proceedings under the old system, the changes introduced by Lord Brougham, and the institution of the Court of Bankruptcy. He next considered the general complaints made of the present system. The first complaint was the very great expense of the court, thirty per cent. or more of the assets being consumed in the proceedings. Mr. Edwards, official assignee, stated that, in assets of £23,029, the court fees were 9 per cent.; the brokers' and auctioneers' charge, 5¼ per cent.; the messengers', 5¼ per cent.; the official assignee's, 5¼ per cent.; and the solicitor's, 16¼ per cent.; making, on the whole, 43 per cent. The same assignee gave the amount divided for six years, and the percentage was 33¾. Now in Scotland it was done satisfactorily for 12 per cent. He proposed to correct this evil by doing away with the necessity of resorting to the official assignee, by abolishing the messenger, broker, and other officers, and by placing the compensations and salaries, now charged in the fees of court, upon the Consolidated Fund. He proposed to abolish the distinction between traders and non-traders, which had no real foundation, while it gave rise to difficult discussions, and to make the law applicable to bankrupts and insolvents alike. A single court would introduce much greater economy and more uniformity of proceeding. He proposed, likewise, that a majority in number, and four-fifths in value, of the creditors should

have the option of carrying the case before a county court. Another evil of the existing system was, the want of power to make voluntary settlements. Such settlements, it was true, were now much resorted to, but they had no sufficient authority or sanction, and he proposed that when a majority of the creditors in number, their debts being four-fifths in value, agreed to a private arrangement, it should be binding on the minority, and be enforceable by summary application, provided it were registered in the court. Another complaint was the uncertainty of the punishment for fraud, and for this the Bill provided a remedy. It also abolished the different classes and grades of certificates. The Bill was intended not only to amend, but to consolidate the law of bankruptcy—a matter of deep and vital importance.

The ATTORNEY-GENERAL, on the part of the Government, did not oppose the introduction of the Bill. He doubted the policy of allowing the creditors to elect an assignee of their own, instead of the official assignees, who were responsible officers appointed by the Court. He approved the abolition of the distinction between traders and non-traders; but he questioned the expediency of conferring upon the county courts a co-ordinate jurisdiction with the Bankruptcy Court. He was in favour of a system of liquidation entirely apart from the Court, and he thought the provisions of Lord J. Russell's Bill on that point entirely inadequate. With reference to the consolidation of the law of bankruptcy, he stated that the Government had under consideration a general scheme of consolidation of the laws, and he thought that any attempt to consolidate the law of bankruptcy should therefore be deferred.

Mr. HEADLAM thought the Bill would be productive of great good, in consolidating the law, diminishing the expense, giving creditors greater control over the estate, and enabling the county courts to exercise a concurrent jurisdiction. In reforming the procedure of the Court of Chancery, great benefit had been derived from the assistance of Sir James Graham and Mr. Henley, and the help of Lord John Russell would be equally valuable in legislating on this subject.

Mr. MOFFATT said, that all reforms in the law of Bankruptcy had been a failure, and creditors would not go to the court. He wished to see a more summary process adopted in seizing the property of debtors, and making them available for the creditors.

Wednesday, Feb. 16.

MARRIAGE LAW AMENDMENT.

Viscount BURY moved the second reading of this Bill.

Mr. BERESFORD HOPE, Mr. DRUMMOND, Mr. WALPOLE, and Mr. WALTER, opposed. Mr. AKROYD, General THOMPSON, Sir G. C. LEWIS, and Lord JOHN RUSSELL (with reluctancy) supported.

The second reading was carried by 135 to 77.

NEW MEMBER.

During the debate, Baron M. de ROTHSCHILD was introduced for Hythe by Lord JOHN RUSSELL and Mr. J. A. SMITH, and having expressed his conscientious objection to take the oath in its usual form, was requested to withdraw. Mr. J. A. SMITH then moved a formal resolution recording the fact. Mr. NEWDEGATE inquired whether such a resolution as was proposed would bind the House for the session only or for the whole Parliament, or until rescinded. The SPEAKER decided that a resolution of the House expires with the session, and has no force after prorogation or dissolution. The motion having been agreed to, another was passed, enabling a person of the Jewish creed to take the oath with the omission of the words "on the true faith of a Christian" The Baron then re-entered the House, and took the oath and his seat.

Thursday, Feb. 17.

NEW MEMBERS.

Mr. Alderman Salomons and Mr. Lever took the oaths and their seats for Greenwich and Galway.

A NEW WRIT

Was ordered for Marylebone in the room of Viscount Ebrington, resigned.

THE OATHS.

Mr. DUNCOMBE gave notice that on March 3rd he should move that the resolution, twice carried, to enable Jewish members to omit certain words from the oaths, be made a standing order.

REAL ESTATE INTESTACY.

Mr. LOCKE KING brought in a Bill to alter the law relating to real estate in cases of intestacy. He proposes to assimilate real and personal property on this head.

The SOLICITOR-GENERAL did not oppose the introduction of the Bill, but doubted the soundness of its provisions. Mr. MELLOR and Mr. HADFIELE supported the measure.

RESTRICTIONS ON THE PRESS.

Mr. AYRTON introduced a Bill to repeal certain obsolete Acts, which were aimed at the liberty of the periodical press.

JURIES (IRELAND).

Mr. JOHN FITZGERALD brought in a Bill to amend and consolidate the law relating to juries in Ireland.

MARRIAGE LAW AMENDMENT.

This Bill passed through committee.

A BILL TO SIMPLIFY THE TITLE TO LANDED ESTATES.*

[Solicitor-General.]

WHEREAS it is expedient to simplify the title to landed estates: Be it enacted—

1. [Short title. "The Landed Estates Act, 1859."]

PART I.

Declaration of Title.

2. Every person entitled for his own benefit to an estate in fee simple in land, or having the power of absolutely disposing for his own benefit of an estate in fee simple in land, may apply to the Landed Estates Court hereinafter constituted, and hereinafter referred to as "the Court," for a declaration that he has established his title to such land.

3. The application shall be made in such form as the Court directs, and shall be accompanied by an abstract of the title of the applicant, and such other evidence as the Court requires; but the Court shall not entertain the application unless it is satisfied by inquiries on the spot, or by other sufficient evidence, that the applicant or his predecessors in title has or have been in possession or receipt of the profits of the land for a period of not less than *five* years immediately prior to the date of the application.

4. [Notice to be given by Court, on prima facie evidence, by advertisement.]

5. The notice so given shall point out the title which the applicant claims to have in the land, and the effect of the Court declaring such title to be established. It shall call the attention of all parties interested in the land to the subject matter of the application pending before the Court, and shall invite incumbrancers and other persons having any interest in the land, capable of being affected by the declaration of the Court, to come before the Court and establish their rights, with a view of having the same reserved, or of proving that the applicant is not entitled to such declaration of title as aforesaid.

6. [The Court may require the applicant to give security for costs.]

7. The Court may entertain an application for the establishment of title to land where the applicant admits that the land in respect of which he applies is subject to any specified incumbrance, and the Court shall modify accordingly any notices given stating the existence of such incumbrances and the intention of the Court to reserve the rights of the incumbrancers.

8. The following charges and interests shall not be deemed incumbrances within the meaning of this Act; that is to say,

1. Tithe rent charges and quit-rents;
2. Rights of common, rights of way, watercourses and rights of water, and other easements;
3. Rights of fishing and sporting, heriots, manorial rights of all descriptions, and franchises;
4. Leases or agreements for leases for any term not exceeding twenty-one years or for any less estate, in cases where there is an occupation under such lease or agreement;

and all land shall, unless the contrary is expressed in the declaration of title made by the Court, be deemed to be subject to such of the above charges and interests as may be for the time being subsisting thereon.

9. The Court, if it entertains the application, shall proceed to examine the title of the applicant to the lands in question, and by means of local agents, or in such other way as the Court thinks fit, to make inquiry on the spot as to the rights of tenants, occupiers, and others. The Court, if satisfied with the title shown to such land, or to any part thereof, and with the result of the inquiries made, shall make a provisional declaration that the applicant has established his title to the whole or any part of the land, for the purpose of any disposition made in favour of a purchaser for valuable consideration, subject or not, as the case may require, to the incumbrances specified in the declaration, and subject in all cases to such charges and interests as may be subsisting thereon and are herein-before declared not to be incumbrances.

10. [Power to Court to annex conditions to a provisional declaration.]

11. [Upon such provisional declaration being made, the Court shall give notice, by advertisement, and by posting on the lands, or otherwise, pointing out in such notice the intention of the Court to confirm the provisional declaration at a time not earlier than twelve months from the date of the notice, and at a place named in the notice, unless cause is first shown to the contrary, and stating the time and manner at and in which opposing parties may be heard to show cause against the declaration, with an explanation, so far as is possible, of the effect of such declaration, is confirmed.]

12. [Court to hear persons opposing by their counsel or agents.]

13. The Court after hearing any parties against the provisional declaration may annul or confirm the same, with or without modifications or additions; if confirmed, the declaration of the Court shall be deemed final, unless an appeal is lodged within three months.

14. Whenever the Court has made a declaration that any person therein mentioned has established his title to the lands specified in the declaration, and such declaration has been duly confirmed by the Court, or by the

* Those clauses only between brackets have been condensed for want of space.

Court of Appeal, every purchaser for valuable consideration of the lands mentioned in such declaration, or of any part thereof, or of any interest in such lands, shall be deemed to hold the same for an estate in fee simple, or for such less estate as may be conveyed to him, with the reservations and subject to the incumbrances, if any, appearing in the declaration, or created since the date of the declaration, and subject also, except in so far as the contrary is expressed in the declaration, to such charges and interests, if any, as are herein-before declared not to be incumbrances, but free from all other estates, incumbrances, and interests whatsoever.

15. Any two or more persons entitled for their own benefit concurrently or successively, or partly in one mode and partly in another, to such estates or interest in land as together make up the fee simple, may, if each of such persons has a power of disposition over his estate or interest, apply to the Court to have their title established in the same manner and with the same incidents in and with which it is herein-before declared that any individual owner may have his title established.

16. Any trustee of land with power to sell, and any donee of a power of selling land, may, with a view to a sale, apply to the Court for a declaration establishing his title to sell; and all costs, charges, and expenses incurred by such trustee or donee in or about such application shall, unless the Court otherwise orders, be deemed to be costs, charges, and expenses incurred by him in the execution of his trust or in pursuance of his power; and when a final declaration has been made establishing the title of such trustee or donee to sell, any purchaser for valuable consideration of the lands mentioned in such declaration, or of any part thereof, or of any interest in such lands, shall be deemed to hold the same for the same estate and with the same incidents as if he had purchased the same of a person entitled for his own benefit to an estate in fee simple in land who had obtained a declaration establishing his title to such land.

Conveyance of Land by Court.

17. Where a contract is made for the sale of the fee simple in land the Court may, upon such application being made as is herein-after mentioned, confer on the intended purchaser an indefeasible title, by the execution of such conveyance as is herein-after mentioned.

18. The application may be made by both or one of the parties to the contract, subject to the restrictions, that no such application shall be made by the vendor alone without the consent of the intended purchaser, and that no such application shall be made by the intended purchaser alone without the consent of the vendor, unless the purchaser gives security to the satisfaction of the Court for the payment to the vendor of all such additional costs, charges, or expenses as he may sustain by reason of the application of such purchaser to the Court, beyond the costs, charges, and expenses the vendor would have sustained if no application had been made by the intended purchaser to the Court.

19. [Former provisions with respect to notices, &c., to apply to cases where the Court conveys for a purchaser.]

20. The Court, if it entertains the application, shall proceed to examine the title of the vendor to the land, and by means of local agents, or in such other way as the Court thinks fit, to make inquiry on the spot as to the rights of tenants, occupiers, and others. The Court, if satisfied with the title shown to such land or any part thereof, and with the result of the inquiries made, shall execute provisionally a conveyance of such land or part to the purchaser, or to such person as he directs, subject or not, as the case may require, to the incumbrances specified in such conveyance, and subject in all cases to such charges and interests as may be subsisting thereon, and are herein-before declared not to be incumbrances.

21. The Court may annex conditions to a provisional conveyance, by requiring any parties interested in obtaining the same to give any indemnity, obtain any consents, or otherwise act as the Court directs. The Court may also reserve, in the conveyance made by it, the rights of any persons or classes of persons.

22. [The Courts to advertise provisional conveyance.]

23. [Court to hear persons opposing.]

24. [Confirmation by Court of provisional order to be final; unless an appeal is lodged within *three* months].

25. Any conveyance made by the Court, when duly confirmed by the Court or by the Court of Appeal, shall confer on the person to whom the land is conveyed an indefeasible estate in fee simple, with the reservations and subject to the incumbrances, if any, appearing on the conveyance, and subject also to such charges and interests, if any, as are hereinbefore declared not to be incumbrances, and are not excluded by express words, but free from all other estates, incumbrances, and interests whatsoever.

26. The Court shall not execute any conveyance to a purchaser, unless the vendor concurs therein or consents thereto, or due proof is given to the Court of the payment or satisfaction of the purchase monies or other consideration for the purchase.

27. *Any conveyance by the Court shall bear the same stamp as if it were a conveyance by an ordinary vendor.*

Exercise of Powers under the Settled Estates Act.

28. The Court may exercise all powers of selling land vested in the Court of Chancery in England by an Act passed in the 20th Vict. c. 120, intituled "An Act to facilitate Leases and Sales of Settled Estates," or by any Act amending the same; and any application in respect of the sale of land authorised to be made to the Court of Chancery in England by the said Acts or either of them may be made to the Court; and all provisions in the said Acts contained relating to the sale of lands, or to the monies arising therefrom, or containing any powers relating to such land or monies, shall apply to the Court, with the following modifications, that the Court may, after making such investigation of title as it thinks fit, instead of directing a conveyance to be made in pursuance of the said Acts, execute a conveyance in pursuance of this Act, and such conveyance shall have the same effect as if it had been made upon an application originally instituted under this Act.

Power of Court in Sales by Court of Chancery.

29. Where any sale of the fee simple of land is about to be made under the order of the Court of Chancery, the Court of Chancery may, on the application of any parties interested in such sale, remit the case to the Landed Estates Court, for the purpose of carrying into effect such portion of the order as relates to a sale, and the Court shall thereupon examine the title, and if satisfied therewith, regard being had to the circumstances of the case and to the order made by the Court of Chancery, execute a conveyance to the purchaser, and any such conveyance shall have the same effect as if it had been made on an application to the Court under this Act.

General Provisions.

30. Where, in any proceeding with respect to land under this Act, it appears to the Court that the land is subject to any uncertain and doubtful claims, or to any uncertain or doubtful incumbrances capable of being compensated by money, and not involving any right to possess the land itself, the Court may, upon such amount of money being paid into the Bank of England to an account directed by the Court as will in the opinion of the Court be sufficient compensation for such claims or incumbrances, and for all costs, charges, and expenses, that may be incurred by the claimants or incumbrancers in recovering the monies due to them, declare the title to any land to be established, without reference to such claims or incumbrances, or make a statutory conveyance to a purchaser without reference thereto.

31. The Court shall determine the rights and priorities of the several persons entitled to or interested in any monies paid into the Bank of England under this Act, and shall distribute the monies among such persons in accordance with such rights and priorities, rendering the surplus, if any, to the parties who paid the same into Court, their executors, administrators, or assigns.

32. In cases where any money paid into the Bank of England in pursuance of this Act is not immediately distributable, or the parties entitled thereto cannot be ascertained, or where from any other cause the Court thinks it expedient for the protection of the rights of the parties interested therein, it may order such money to be transferred to the Accountant-General of the High Court of Chancery in the matter of the parties interested in the same, to be described in such manner as the Court directs, in trust to attend the orders of the Court of Chancery, and the Landed Estates Court may by its order declare the trusts affecting such money so far as it has ascertained the same, or state the facts or matters found by it in relation to the rights and interests therein, and the Court of Chancery may make such orders with respect to any such monies, and the investment or application thereof, or the payment thereof out of court, as the circumstances of the case require.

33. All costs, charges, and expenses incurred by any parties in or about any proceedings under this Act shall be taxed as between solicitor and client, but the payment thereof shall be in the discretion of the Court, regard being had by the Court to the fact that any applicant under this Act is liable primâ facie to pay all costs, charges, and expenses incurred by or in consequence of his application, except in a case where parties appear whose rights are sufficiently secured without their appearance, or where any costs, charges, or expenses are incurred unnecessarily or improperly.

34. When the Court has made a declaration establishing the title of any person to land, or has made a conveyance of land, all deeds and evidences of title relating to such land shall be retained by the Court.

Caution.

35. Any person having or claiming such an interest in land as entitles him to object to any disposition thereof being made without his consent may lodge a caution with the Court to the effect that the cautioner is entitled to notice of any proceedings that may be instituted in the Court with respect to such land.

36. The caution shall be supported by an affidavit, in such form as the Court directs, stating the nature of the interest of the cautioner, and such other matters as may be required by the Court, and containing the name and address of the cautioner, and also some place within the metropolis where he may be served with notice of any proceedings that may be instituted in the Landed Estates Court.

37. [Notice may be served personally, or by post.]

38. After a caution has been lodged no provisional declaration of title or provisional conveyance shall be made in the case of any land to which such caution refers, until notice has been served on the cautioner to appear and oppose, if he thinks fit, the making such provisional declaration or provisional conveyance, and twenty-one days have expired since the date of the service of such notice or the cautioner has entered an appearance, which may first happen.

39. If any person lodges a caution with the Court without reasonable cause, he shall be liable to make to any person who may have sustained damage by the lodging of such caution such compensation as may be just, and such compensation shall be deemed to be a debt due to the person who has sustained damage from the person who has lodged the caution.

40. A caution lodged in pursuance of this Act shall not prejudice the claim or title of any other person, and shall have no effect whatever except to entitle the cautioner to receive such notice as is herein-before mentioned of proceedings being instituted in the court.

Penalty on Suppression, &c.

41. [Suppression of deed, &c., relating to any title to be misdemeanour.]

42. [Conviction not to affect civil remedy.]

PART II.

LANDED ESTATES COURT.

Judges.

43. [A Court, to be called the Landed Estates Court, established for this Act. To consist of a chief judge and assistant judge, appointed by her Majesty by letters patent, holding their office during good behaviour.]

44. [A judge of the Court must be a practising conveyancer of ten years standing at the least, or for five years as a judge of the Incumbered Estates Court and Landed Estates Court in Ireland, or one of such courts.]

45. [Oath of judges.]

46. [Precedence of judges; after puisne judges, and private judge.]

Officers.

47. [Officers of court; secretaries, registrars, chief clerks, &c.]

48. [Appointment of secretaries and chief clerks by judges, the latter to be barristers, or solicitors, or chief clerks in Court of Chancery.]

49. [Appointment of registrar and other officers by Court.]

Salaries and Pensions.

50. [To the chief judge, £3000 a year; to the assistant judge, £2500 a

ear; to each secretary, £300 a year; to each chief clerk, £1000 a year; to the registrar, taxing officer, accountant, clerks, messengers, and servants such salary as the Court, with the sanction of the Commissioners of the Treasury, may determine.]

51. [Retiring pension of judges; two-thirds of salary, after fifteen years.]

52. [Lord Chancellor may order pensions for retiring officers.]

53. [Payment of salaries; out of Consolidated Fund, and such fund as may be provided by Parliament.]

Nature of Court.

54. [Court to be a Court of Record, and have seal.]

55. [Court to appoint time for commencement of proceedings not later than 1st January, 1860.]

56. [Judicial notice to be taken of signature of officers.]

57. Both the judges of the Court shall concur on the following matters; that is to say, in a declaration of title, whether provisional or final, in a conveyance by the Court, whether provisional or final, and in a sale made in pursuance of the said Act of the 20th Vict. c. 120, but with the above exceptions all powers by this Act given to the Court may be exercised by one judge; and if in any case the judges differ as to the propriety of making any order or doing any act, such order shall be deemed to have been refused, and such act shall be left undone.

58. [Commissioners of the Treasury to provide a convenient place for the sittings of the Court.]

59. [Judges may sit in chambers, with the same powers as in court.]

Powers of Court.

60. The Court may examine any witnesses on oath, and with respect to the following matters (that is to say),—

(1.) Enforcing the attendance of witnesses, and the production of deeds, books, papers, and documents;
(2.) Issuing any commission for the examination of witnesses, or the causing witnesses to be examined, before any tribunal other than the Court;
(3.) Punishing persons refusing to give evidence or guilty of contempt;
(4.) Enforcing any order whatever made by them under any of the powers or authorities of this Act,

shall have all such powers, rights, and privileges, as are vested in the High Court of Chancery for such or the like purposes.

61. [False evidence punishable as perjury.]

62. The Court shall not be subject to be restrained in the execution of its powers under this Act, nor shall any person be restrained from making an application under this Act to such Court, or doing any other act or giving any consent under the provisions of this Act, by order of any court of justice, or by any other legal process, nor shall the Court be required by writ of mandamus, or any writ of a like nature, to do any act or take any proceeding under this Act, nor shall proceedings before them be removable by certiorari or other writ of a like nature.

63. Proceedings before the Court shall not abate or be suspended by any death or transmission or change of interest; but in any such case of death or transmission or change of interest it shall be lawful for the Court, when it sees fit, to require notices to be given to persons becoming interested, or to make any order for discontinuing, suspending, or carrying on the proceedings, or otherwise in relation thereto, which to such Court appears just.

Court to make Rules.

64. [Court to frame and promulgate forms of application, &c.]

65. [Power of Court to frame rules.]

66. [Any rules so made to be of the same force as if enacted by Parliament. They may from time to time be rescinded, added to, amended, or altered, subject to the condition that such rescission, addition, amendment, or alteration, be sanctioned by the Lord Chancellor.]

67. [Rules to be laid before Parliament.]

Fees.

68. The Court shall, with the assent of the Lord Chancellor, from time to time determine the amount of payments to be made to such Court with respect to the following matters:

The obtaining a declaration that a title is established or a conveyance by the Court:
The institution and conduct of any proceedings relating to land, and the taking of copies of such proceedings, or of other documents in the custody of the Court:
Generally with respect to any other matter to be done by the Court or any officer thereof:

And such Court may, with the like assent, from time to time alter any amounts so determined, but all payments mentioned in this section shall be paid into the receipt of her Majesty's exchequer, and carried to the account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

69. In determining the amount of fees payable in respect of any proceedings as to land under this Act regard shall be had to the value of the land, as determined by the amount of purchase money in the case of a sale, or as ascertained in such manner as the Court by any general order directs in cases where no sale takes place; subject, nevertheless, to the qualifications following:

1. The amount of fees payable shall not in any case exceed per cent. on the value of the land;
2. A maximum value shall be fixed; and in the case of any estate exceeding such maximum value, the Court may make payable in respect of such excess fees on such a reduced scale as the Court thinks expedient.

70. [Rules as to the collection of fees.]

71. [Former Stamp Acts to apply to stamps issued under this Act].

72. The Court may from time to time fix a scale of fees to be paid to persons other than officers of the office of registry, in respect of any service rendered by them in any matter coming within the cognizance of such office; and it may from time to time alter any such scale when fixed.

Power of Court to refer Questions to Court of Chancery or of Common Law.

73. Whenever, upon the investigation of the title to any land, the Court entertains a doubt as to any matter of law or fact arising upon such title, it may, upon the application of any party interested in such land, direct a case to be stated for the opinion of the Court of Chancery, or any of her Majesty's superior courts of law, or an issue to be tried before any jury, for the purpose of determining such matter of law or fact; the Court may also name the parties to such case or issue, and the manner in which the proceedings in relation thereto are to be brought before the Court to which such case or issue is referred.

74. The opinion of any Court to whom any matter of law is referred by the Court shall be conclusive on all the parties to such case, unless the Landed Estates Court directs an appeal to be had; and the decision of any jury to whom any issue of fact is referred shall be conclusive on all persons whatsoever, unless the Landed Estates Court otherwise directs.

75. In cases where any infants, incapable persons, or persons yet unborn, are interested in the land in respect of the title to which any question of law or facts arises as aforesaid, any parties interested in such land may apply to any judge of the High Court of Chancery in chambers for a direction that the opinion of the Court to whom any question of law is referred under this Act upon any question so referred shall be conclusively binding on all parties interested in such land.

76. The judge in chambers shall hear the allegations of all parties appearing before him; he may disapprove altogether, or may approve, either with or without modification, of the directions of the Court in respect to any case to be tried as to the title of land; he may also appoint a guardian or other person to appear on behalf of any infants, incapable or unborn persons; but if he is satisfied that the interests of such infants, incapable or unborn persons, will be sufficiently represented in any case so about to be tried, he shall make an order declaring that all or some of such parties shall be conclusively bound, and thereupon the parties in that behalf named in the order shall be conclusively bound by any decision of the Court to the same extent as if they had been parties to the case.

Appeal.

77. The Court may review, rescind, or vary, any Order made by it in pursuance of this Act. No appeal shall lie from any Order of the Court refusing to entertain an application for an establishment of title, or for a conveyance by the Court, or refusing to establish a title or to execute a conveyance; but any person aggrieved by any other Order of the Court may appeal to the Court of Appeal in Chancery, in such manner, within such time, and subject to such regulations and limitations as the Court and the Lord Chancellor may prescribe; and any Order made by the Court of Appeal in Chancery on appeal from the Landed Estates Court shall be subject to reversal or modification by the House of Lords, in the same manner and with the same incidents on and with which Orders made by the Court of Appeal in Chancery on cases within the ordinary jurisdiction of such Court are subject.

Ireland.

Dublin, Thursday.

COURT OF CHANCERY.

Report of the Commissioners appointed to inquire into the Offices of the Court of Chancery in Ireland, 1859.

A blue-book with this title has just been printed, containing the results of a recent inquiry made by three persons appointed for that purpose by the Crown—E. Litton, Esq., senior Master in Chancery, H. Darley, Esq., and Mr. W. Seton, of the Treasury, London.

The report is lengthy, and the evidence still more so, as nearly all the officers of the several departments of the court appear to have been examined as to their duties, &c. The report first deals with the Registrar's Office, the most important duties of which are stated to have been heretofore systematically performed by the scrivenery or copying clerks, while the regular officers have allotted to themselves the least important duties. To rectify this abuse, it is proposed that the business shall be redistributed; that the senior clerks shall alternately attend in court to take down the orders; and that, to stimulate the juniors to exertion, a right of succession to the chief posts be established. An alteration in the mode of framing orders is also recommended, as likely to reduce their length by one-third, and their cost to the suitor in the same proportion. In future, the notice on which an order is made, is to be merely referred to, and not recited at length in it. It is also recommended that in this, and every other office of the Court, the payment of fees in money be discontinued, and a moderate stamp duty substituted. It is next recommended that the Crown and Hanaper Office be abolished altogether, and that all writs be in future issued from the Writ Office, and all persons sworn into office by a registrar of the court. The principal changes recommended in the Master's Offices are the following:—Affidavits to be no longer sworn there, but to be sworn or filed in the Affidavit Office only; and interlocutory and other orders made by the masters to be no longer drafted by solicitors, with the aid of the master's notes, but to be drawn up in the office in the same way as are orders of the court. Title deeds to be no longer deposited in the Master's Offices, but to be all lodged in a convenient fire-proof depository, common to all the offices. The post of examiner-in-chief it is proposed to abolish altogether, evidence being now taken viva voce in court, and the ancient method of proceeding by written interrogatories having fallen into disuse.

With regard to the lunacy jurisdiction, it is recommended to abolish the almost sinecure office of "clerk of the custodies," and to transfer the preparation of all orders and reports on lunacy to the Registrar's Office. It is also proposed to abolish the office of "clerk in court," or "reader," whose only duty it is to attend in court on certain days and read out deeds, &c., if required. While treating of these offices, the report states that the number of motions heard in the course of the year by the Master of the Rolls has diminished from 3300 in the year 1849 to 1136 during the year 1858. This remarkable falling off may be ascribed to the operations of the Incumbered Estates Court, and still more to the transfer of an important class of cases (administration suits, &c.), to the masters, who have now complete jurisdiction to deal with such. It might, perhaps, be thought from these propositions, referred to for the abolition of so many useless offices, that the commissioners were strongly bent on economizing; but this notion is dispelled when we look at the table of "existing" and of "proposed" salaries as regards the other offices, appended to the report. From this it appears, that it is recommended to make a general increase of remuneration, not only to the officials who have active and laborious duties to perform, but also to the chancellor's secretary, and to some others whose position involves little labour or responsibility, but who merely add to the patronage and dignity of the chancellorship.

The report concludes with some general recommendations which the commissioners consider "indispensable to the permanent improvement of the administrative offices of the Court." First, that all fees be converted into stamp duties, and the officers paid by salary only. Secondly, that a system of promotion from the junior clerks to the senior officer be, as far as possible, introduced into each department. Thirdly, that a graduated scale of increase of remuneration be introduced. The right of an officer to promotion to be subject to the approval of his conduct by his superiors. Fourthly, that the writing clerks be removed from the public offices, and that no original records or documents be removed from the court for the purpose of copying. Some other subjects are considered by the report, as the hours of attendance, &c., of the several officials. A statement or memorial presented by the Council of the Incorporated Law Society, complaining of the delays in the Taxing Office, seems to have been curtly treated, and some of the facts stated in it being flatly denied by the taxing-masters, that part of the subject rests very much where it did. On the whole, however, the suggestions of this report seem very reasonable ones; and many of them will probably be carried out by the Attorney-General's forthcoming Bills for the amendment of the Practice, &c., of the Court of Chancery.

The Attorney-General has appointed Mr. Thomas White, of the Connaught bar, Crown Prosecutor for the county of Leitrim; Mr. Barker, of the same bar, Supernumerary Crown Prosecutor for the county of Sligo; and Mr. T. A. Purcell, of the Leinster bar, Supreme Crown Prosecutor for the counties of Wicklow and Wexford.

Jurisprudence in the Queen's University.—It appears, from a Parliamentary return just issued, that the Examiner of Jurisprudence in the Queen's College puzzled his students with the following stupid problem:—"Whether does the conduct of Nanah Sahib, and other educated natives in the great Indian mutiny, afford an argument for or against the education of the natives of British India in European accomplishments and civilisation? State the reasons for the proposition which you adopt."

Scotland.

EDINBURGH.

Court of Session.—First Division.

Crichton v. *Grant.*

The magistrates of Leith have power under the Police Act for that town to enact regulations for the running of coaches and the convenience of passengers therein, and to enforce them by fine and imprisonment. They have directed one of these regulations against smoking. The guard of one of the Leith omnibuses had, on 15th January last, allowed three gentlemen passengers outside the omnibus to smoke. He was charged with the offence, and on a plea of guilty, fined 2*s.* 6*d.* by one of the Leith bailies, with an alternative of two days' imprisonment. He went to prison, and brought a bill of suspension and liberation, calling the Leith fiscal, Mr. Grant, as defender; who pleaded in defence (1) that the matter was of a criminal nature, and as such, incompetent in the Court of Session; and (2) that the sentence was just. Lord Ordinary Kinloch instanced the plea of incompetency; but the Court unanimously altered that judgment, holding (1) that the question was a civil question, and as such falling under their jurisdiction; but (2) that the Leith magistrates had power to make smoking in or on coaches an offence, and punish it as such, and that the commission of the offence was established by the suspender's own confession, and consequently they refused to pass the vote.

We learn from the *Scotsman*, that the University Commissioners met on Saturday to dispose so far of the complex case at Aberdeen, and found that it is not competent, under the Act, to recognise two Faculties of Arts there, and that it is not expedient to have duplicate Professorships in the same Faculty; that King's College-buildings, with the necessary repairs and extensions, should be the seat of the Faculties of Arts and Theology, with the General Library; and that Law and Medicine, with provision for a special library for each of these Faculties, should be in those of Marischal College, enlarged also if necessary.

The Provinces.

Bradford.—By direction of the Lord Chancellor, eleven gentlemen have been inserted in the commission of the peace for this borough. His Lordship, in making his selection, rejected the names of one barrister and two attorneys.

Birmingham.—The following is extracted from a memorial of the Town Council to the Lord Chancellor on the appointment of magistrates:—"Your memorialists furthermore humbly represent to your Lordship that two of the ex-mayors of the said borough, namely, Alderman Hodgson and Alderman Hawkes, are solicitors practising within the said borough, and would have been included in the above list, were it not that some of your Lordship's predecessors have not thought fit to add the names of practising solicitors to commissions of the peace. In case, however, your Lordship is willing to advise the Crown to appoint solicitors as justices, your memorialists beg to recommend Alderman Hodgson and Alderman Hawkes in addition to the eight other gentlemen firstly hereinbefore named."

Bristol.—*Reg.* v. *Smyth.—Shrievalty.*—At the quarterly meeting of the Town Council, the following correspondence was read by the Town Clerk, relative to the proceedings which had been instituted against Mr. Smyth, for refusing to undertake the office of sheriff after he had been nominated by the Town Council, but whose term of office would have expired had he accepted the appointment:—

Bristol, 4th Feb., 1859.

Dear Sir,—We are desired to ask whether it be the wish and intention of the Town Council that this case should be argued in the House of Lords; and, if not, to request that you will instruct your agents to take such steps as may be necessary, in conjunction with ours, for obtaining an order of the House for leave to strike out the cause.

We have certainly been given to understand (though not officially) that as the year of office had expired without a decision, and as the Town Council have not re-elected Mr. Greville Smyth, it would not be their wish any more than his to press the case to a decision.

We enclose copy of a letter from our agents, giving reasons why, without the consent of both parties, the appeal cannot properly be withdrawn; and we have to beg you will obtain the directions of the Town Council on this subject, and let us know their determination as soon as possible.

It is not as any favour to himself that Mr. Smyth asks for this consent; on the contrary, he is still advised that a decision in his favour might be expected; but, as the case has ceased to be of practical importance, he is not willing to incur the responsibility of obtaining a decision at a great expense to both parties; and if your clients should refuse to concur in an application to strike it out, it must be understood that the responsibility of carrying on the case to a hearing rests with them, and not with him.—We remain, &c., Palmer & Wansey.

Daniel Burgess, Esq., Town Clerk, Bristol.

20, Lincoln's-inn-fields, W. C., 3rd Feb., 1859.

Dear Sirs,—We have ascertained at the House of Lords that unless this case is withdrawn it will be put in the list for hearing, and whether counsel appear or not the expenses in the shape of House fees will have to be paid. If it is determined not to proceed, a petition for leave to strike out the cause must be presented, and an order thereon obtained.

We certainly differ from the view taken by the Town Clerk that it is for us, if we wish the matter not to proceed, to withdraw the appeal. We certainly can do so if we like by petition, but if we were to take that course it would be made appear to the public that we were beaten.

It therefore appears to us that if the appeal be withdrawn it should be done with the concurrence of the other side, and also upon the understanding that it was not withdrawn because we gave up the points raised for fear of being beaten, or because we thought we should not succeed. The matter is rather serious, and, as you suggest, should be put in such a position in writing as to show that we have done all in our power to obtain the concurrence of the corporation to the withdrawal of proceedings.—Yours truly, Clarke, Gray, & Woodcock.

Messrs. Palmer & Wansey.

The Town Clerk said, the Council would remember that Mr. Smyth was elected to the office of sheriff; that he gave

notice that he would not take that office, and that the Council then determined to compel him. Application was made to the Court of Queen's Bench, and judgment was given there pro formâ for the corporation. The case was then taken to the Court of Exchequer, which confirmed the judgment of the other Court, also pro formâ. Mr. Smyth then took the case to the House of Lords, and the corporation entered an appearance. There was not time to hear it argued last session, and it was now standing over, the corporation being in the position of having judgment in its favour from the Court of Queen's Bench and the Court of Exchequer. A resolution, authorising the Town Clerk to take such steps as might be advisable to enable Mr. Smyth to withdraw his appeal was passed.

At the same meeting it was resolved that, in addition to the usual quarterly meetings, for the remainder of the year 1859, the Council should be assembled on the 4th Tuesday in March, the 4th Tuesday in June, and the 4th Tuesday in September.

Durham.—*The Burnopfield Murder.*—We understand that a man, at present under sentence of four years' penal servitude in Portland Prison, has confessed to having shot Mr. Stirling, the young surgeon whose distressing death caused such a sensation in the northern counties three years ago. The Home Secretary has sent the statement of the person who declares he did the horrid deed to the Mayor of Newcastle. This is the second time within a very short period that a person has confessed he was Mr. Stirling's murderer. It may be remembered that two men—Rayne and Cain—were tried and narrowly escaped conviction for this crime. Rayne, we understand, follows his usual trade of a smith at Winlaton, and Cain has the charge of a gentleman's garden in Blaydon. Both, we understand, conduct themselves well, and will willingly lend any assistance in their power in furthering the investigations of the magistrates and police.—*Newcastle Chronicle.*

Leeds.—A deputation on the subject of holding assizes for the West Riding of Yorkshire in Leeds, had an interview with the Marquis of Salisbury, Lord President of the Council, on Tuesday, at the Council Office. The deputation was introduced by the Right Hon. M. T. Baines, M.P., and Mr. George S. Beecroft, M.P., and consisted of Sir Peter Fairbairn, Mayor; Mr. Alderman Botterill; Mr. Councillor Barret; and Mr. John Arthur Ikin, Town Clerk.

Manchester. — *Liability of Pawnbrokers on the Sale of Small Pledges.*—At the County Court, on the 12th ult., in the case of *Pett* v. *Cliff*, a question was raised as to the liability of the defendant, a pawnbroker, to account to the plaintiff for the proceeds of the sale of a pledge on which a sum under 10*s.* had been lent, the pledge not having been redeemed within the year allowed by Pawnbrokers' Act. Mr. J. H. Fernley appeared on behalf of the defendant, and argued that the statute, which made no provision requiring the pawnbrokers to keep any account of the sale of these small pledges, exempted him from rendering any account of the same; and that there was good reason for this exemption; for to compel the pawnbrokers to keep an account of the sale would cause so much trouble as practically to prohibit them from taking in pledge such trifling articles. The learned judge, after an adjournment to consider the case, delivered judgment on Friday, Feb. 11, and held that the pawnbroker was not bound to keep an account, nor, so far as his Honour could see, to give any account of the proceeds of the sale of goods of this trifling value; therefore judgment must be for the defendant.

Re G. C. and James Bayley.— Important Question of Liability.—In the Bankruptcy Court, on Saturday last, judgment in this case was delivered. The petition had previously occupied three whole days, during which time a great number of authorities were cited. The learned Commissioner had taken time to consider his decision. Mr. Ovens appeared for the petitioners, and Dr. Wheeler and Mr. Horner on behalf of Mr. F. Reyner, the executor. The matter was a petition to expunge a proof of 7940*l.* 5*s.* 5*d.* put upon the file by Mr. F. Reyner, one of the executors of the late James Bayley, sen. It appeared that, in 1851, Mr. James Bayley, sen., of Stalybridge, who was owner of extensive mill premises there, which had for many years been in operation, and who was building and about to stock with machinery another mill, received into partnership, as cotton spinners, two of his sons, Charles Cheetham Bayley and George Cheetham Bayley, and gave them a portion of the trade capital, which consisted of the mill property and machinery already referred to, with the stock in trade and other assets then belonging exclusively to the father. The partnership was to continue up to December, 1858; and it was provided that if in the interval any of the partners died, his share was to be valued, and to bear interest payable to his representatives for the then remainder of the partnership term. Immediately after the termination by effluxion of time of the partnership, the estate was to be wound up; the continuing partners to receive their shares, and the representatives of the dead partner to receive the principal which had been ascertained at the time of his death to be his ratable share of the partnership property. In February, 1853, Mr. James Bayley, sen., died, having made his will and a codicil, of which Mr. Frederick Reyner, his son-in-law, and Mr. C. C. Bayley, his son, were executors. Under this will and codicil, the old man bequeathed to his three daughters £2000 each; to his son James Bayley, £2000; and the residue of his real and personal estate he devised and bequeathed to his two sons, the continuing partners At the death of the old man, his share in the partnership estate was valued at £13,727, of which £6644 was realty, and £7083 personalty. The continuing partners remained in business until January, 1855, when C. C. Bayley retired, and transferred his partnership share to the then continuing partner, G. C. Bayley, the latter covenanting to pay all the debts and liabilities to which the firm at the time he left it was subject. Mr. G. C. Bayley continued to carry on the business alone until November, 1855, when he received as partner his brother James Bayley; the latter stipulating that all the business debts, for which G. C. Bayley was then liable, the new firm should henceforth become jointly liable for, and a balance-sheet was prepared, in which those liabilities were set forth, including amongst them (though not by name as debts due to the executors, but as debts due to the three daughters of the late James Bayley, as legatees) £6000 of the £8000 which the old man had bequeathed by way of legacy. Before Mr. James Bayley entered the concern as partner, he had assigned his right to his legacy of £2000, which, under the codicil, was not to be paid until December, 1858, to his brother G. C. Bayley; and G. C. Bayley therefore became entitled to whatever rights James Bayley had in respect of that legacy. From the time of the death of the old man, until the dissolution of the partnership of C. C. Bayley and G. C. Bayley, they had severally paid interest to the three legatees upon their respective legacies, and interest had, in like manner, been paid by G C. Bayley during the time that he separately carried on the business, and subsequently by G. C. Bayley and James Bayley, from the time of the formation of their partnership until their bankruptcy in May last. In like manner Messrs. G. C. Bayley and James Bayley sent to Mr. Reyner, by arrangement, periodical statements of their accounts, showing the way in which the business was proceeding; and, upon the faith of those statements, Mr. F. Reyner, instead of calling in the £7083, the share of the testator's personalty in the concern at the time of his death, suffered it to remain. When the bankruptcy took place, Mr. Reyner, as executor, was admitted to prove his debt, with a balance put as due to him from the joint estate of the bankrupts. Some time after the proof had been admitted, the petition in question was presented, and the question it involved was, whether or not, by the acts of G. C. Bayley and J. Bayley, at the time they became partners, and subsequently, the bill due to Mr. Reyner, as executor, at the time of the decease of the old man, from C. C. Bayley and G. C. Bayley, had become, in point of law, the bill of the defendants, so as to make the joint estate liable to its payment. If it were so liable, the proof was rightly admitted; if not, the proof would of course be required to be removed from the file, and to be made against the separate estate (in which there were no assets) of G. C. Bayley. The amount in question was considerable, inasmuch as the joint estate is expected to pay a dividend of between 4*s.* and 5*s.* in the pound. The Commissioner, after reviewing the facts and the authorities cited, delivered a very careful and elaborate judgment by stating that he had arrived at the unhesitating conclusion, that the proof was rightly made, and dismissed the petition with costs. But his Honour suggested, for the consideration of the assignees, whether they would consent to Mr. Reyner's costs being paid out of the joint estate, instead of by the petitioners; because, if the petition had succeeded, the creditors on the joint estate would certainly have derived a large accession of dividend. The solicitors to the assignees not being present, the question, whether the estate should pay Mr. Reyner's costs, stood over for consideration at a future day.

Stafford.—*County Court.*—The court for this district was held on Wednesday, at the Shire-hall, before the newly-appointed judge, Sir Walter Buchanan Riddell. His Honour, who was indistinctly heard, having recently suffered from severe indisposition, addressed a few observations to the attorneys and others round the table; and expressed a hope that the same courteous conduct which had been accorded to the late judge would be shown to himself, whilst he would do all in his power

to merit their assistance in eliciting truth, and judging impartially of all cases which came before him. The number of plaints entered for hearing was not so numerous as usual, and none of them possessed any particular feature of interest.

Communications, Correspondence, and Extracts.

TRANSFER OF LAND.

To the Editor of The Solicitors' Journal & Reporter.

Sir,—I long to see your leader of next Saturday on this matter. There can be no question that if the Bill of the Solicitor-General becomes law, one of the grossest acts of injustice ever perpetrated will signalise the present Administration. I have been in practice for a number of years, having (beyond the cost of my education, premium, articles, admissions, library and annual certificates—unpaid by the clergy or medical men)—been before despoiled by the County Court of at least £200 a year, and by the illegal appointment of a public prosecutor at this place of half that amount. It is now proposed to annihilate my remaining practice in conveyancing, of about £300 a-year (I have cheerfully paid the income-tax on that amount) without compensation. Surely such plunder will never be permitted; but if necessary, the Legislature should be urged, as in the case of the proctors and surrogates, to substitute compensation, such as a graduated scale of double the income-tax, paid by those who have been in practice twenty years, increasing the amount in proportion for every year upwards, during the lives of those wishing to retire, by way of annuity; with a decreasing scale in the like proportion; leaving it optional for parties to signify their acceptance of the annuity, within a period to be named in the Act.

I cannot suppose the amount to be raised, or that the number to be compensated, will equal that of the proctors and surrogates.

Your advocacy is a tower of strength; and having been a subscriber to to *Solicitors' Journal* from the beginning, I do hope the aspersions a short time ago to injure its interests may not be realised.—I am, Sir, your obedient servant,

13th Feb., 1859. ——— A Well Wisher.

LUNACY MASTERSHIP.

To the Editor of The Solicitors' Journal & Reporter.

Sir,—Mr. Higgins has resigned, and the bar will now get another bone to pick. What will the profession and the suitors gain? I believe a loss. A knowledge of business and of men and affairs, is what is wanted in this office, and not the intricacies of Coke on Littleton. The Lord Justices look to all the law parts of lunacy affairs. The Germans I believe have a rule that no practising advocate ever is allowed to become a judge. An embryo judge begins quite a young man, in some local or small court, and is promoted, as he shows talent, to higher judgships. They think that the practice of the bar in making wrong appear right is destructive of judicial qualities. We, of the English race (the Yankees are far worse than we), generally pick out for great judicial places men who have done work, dirty or clean, in Parliament; for little places the *effete*. The Masters in Chancery were abolished more because of the kind of men we could not contrive on our system not to have, than for any other reason. This kind of place is with us an acknowledged refuge for the destitute. Often, doubtless, good men get there, but often . . .

As to Mr. Higgins, I am one of the few solicitors who could have happened to attend a warrant before him during his one or two days reign. I never saw him before or since; but I believe he would have turned out one of the best men ever placed in such a situation. If he had been kicking his heels about the court doing nothing for the last ten years, it would have been reckoned all right. Because he has been doing something elsewhere, it is all wrong. He is now sacrificed to bar and political clamour. Cui bono?

The root of the public dissatisfaction really lies much deeper than the "next-of-kin" part of this story. There is a just feeling that the very best legal appointments which can be made have not often been made by any judge or chancellor. How many judges have sons or nephews as associates or masters? Look at the list of law officers, and see the family names there. Is it right that blood should have any consideration in any of these appointments? If superlative merit is not to be the test, why not blood? If merit is to be, let there be some plan adopted for an independent report on the merit of all candidates before an appointment is made. Why do we want such arrangements for our civil service, and not for the department of the law? A Minister of Justice would be the best chance of securing the best appointment.—Yours, &c.,

A Solicitor of Thirty-two Years', and a Radical of still longer, Standing.

Lincoln's-inn-fields, February 16, 1859.

BANKRUPTCY AND INSOLVENCY.

To the Editor of The Solicitors' Journal & Reporter.

Sir,—The notions of an "old hand" in bankruptcy matters may not be unacceptable at this time, when things are being shaken up, to be again shaken down into new positions.

I always predicted of the official assignee arrangement that it was a mistake. The reform "o'erleap'd itself, and fell on t'other side."

What was and is wanted was and is, to provide a safe custody for all moneys arising from bankrupt estates (not the pockets of the assignees); and to let the creditors of a bankrupt attend to their own business, providing only a ready appeal in case of any wrong being done or attempted.

The appeal in all cases should be to a *court of justice*—not to a court of administration; and we should leave criminal matters to be dealt with alone in criminal courts.

The following is a rough outline of what seems to me to be needed:—

1. A vesting order to transfer all a bankrupt's or insolvent's property to assignees chosen by creditors—leaving the disposal and liquidation with them.

2. *All* moneys to be paid into court to an "Accountant-General in Bankruptcy." The assignees to draw cheques for *all* payments, as well as dividends.

3. Assignees to appoint accountants if they think proper.

4. Bankruptcy judges to be appointed to *hear and decide* questions raised before them, *and none other*—including granting or refusal of certificates, *if opposed*. One always feels now, that the judge is a party in the dispute, generally siding with the estate.

5. No criminal prosecution to be instituted at the instance or at the cost of the estate. All criminal matters to be kept wholly distinct, and referred to the ordinary tribunals. Let those prosecute, as in other robberies, who consider they have been robbed.

6. The criminal clauses might be removed from the Bankrupt Act altogether; and if the criminal law, with its provisions against conspiracy, cheating, fraud, robbery, &c., does not meet all cases proper for prosecution, pass a separate Act for the purpose.

The above of course leaves most of the existing and proposed details untouched.

Feb. 16, 1859. ——— An Old Hand.

THE NEW MEDICAL ACT.

To the Editor of The Solicitors' Journal & Reporter.

Sir,—Would you be kind enough to answer the following question in your next publication:—Can a Licentiate of the Apothecaries' Company, and who is of twenty-three years' standing, and in practice, keep his name over his door with the word "surgeon" attached thereto; or does the above-mentioned Act compel him to erase the word "surgeon?"—I am, Sir, your obedient servant, An Old Subscriber.

Howden, Yorkshire, Feb. 14, 1859.

[We are clearly of opinion that the Licentiate in question may continue to use the appellation of "surgeon" under the Medical Act. The Medical Council have resolved not to print any *titles* in their "Register," but simply to give the names and *qualifications* of those registered.—Ed. *S. J.*]

Societies and Institutions.

INCORPORATED LAW SOCIETY.

The following letter has been addressed by the Incorporated Law Society to students who are now candidates for admission as attorneys:—

8th February, 1859.

Sir,—I am directed by the Council of the Incorporated Law Society to inform you, that, in order to encourage the careful study of the law, the examiners of the candidates for admission on the roll of attorneys, intend, on the examination to take place in next Easter Term, and subsequently, to select the names of the candidates under the age of twenty-six years, who in passing their examination shall appear to have deserved honorary distinction, with a view to the Council presenting to such candidates a prize of books or certificate of merit.

The Honourable Society of Clifford's-inn also intend to give a sum of twenty guineas, and the Honourable Society of Clement's-inn a sum of ten guineas yearly, to provide testimonials for such of the candidates under the age of twenty-six as in passing their examination shall merit distinction, and the Council are empowered to apply these annual gifts in such way as may appear to them best adapted to give effect to the objects of the societies of Clifford's-inn and Clement's-inn.—I am, Sir, your very obedient servant,

N. Maugham, *Secretary*.

LAW AMENDMENT SOCIETY.

A general meeting of this society will take place on Monday next, at eight o'clock, when the Lord Chancellor's Bill of Debtor and Creditor, and Lord John Russell's Bankruptcy and Insolvency Bill, will be discussed. Lord Brougham will take the chair.

LAW NEWSPAPER COMPANY LIMITED.

The annual general meeting of the company was held at the Law Institution, on Monday the 7th, and by adjournment on Tuesday, the 8th of February. Mr. Janson, the Chairman of the Board of Directors, in the chair. The following report from the directors was presented to the meeting:—

REPORT OF THE DIRECTORS.

The present is the second ordinary annual meeting of the company, and has been summoned, in accordance with the Articles of Association, to transact the following business:—

1. To receive the annual report of the directors.

2. To receive the report of the auditors upon the accounts.

3. To elect seven directors in lieu of the following seven, who retire by ballot, but who, being eligible, have offered themselves for re-election:—

Mr. Case, Maidstone; Mr. Janson, London; Mr. Lace, Liverpool; Mr. Lawe, London; Mr. Lowndes, Liverpool; Mr. Stallard, Worcester; Mr. W. Williams, London.

4. To elect auditors for the ensuing year.

Referring to their previous reports to the proprietors, the directors feel it is hardly necessary to remind them that the company was formed with a view to professional rather than pecuniary ends.

It was felt that the attorneys and solicitors of England ought to possess, as their organ in the press, a first-class journal, distinctively representing their interests and enforcing their rights, and absolutely identified by the proprietorship with their own body, and this, they believe, has been accomplished by the periodical which they have had the satisfaction of establishing.

In the course of the past year the directors have been able to make a variety of new arrangements, by which a considerable saving will be effected, without unduly curtailing their expenditure upon literary contributions; and they firmly believe the "Journal" is now placed on at least a self-supporting footing for the future.

The purchase of the *Weekly Reporter* from its late proprietors, alluded to in the Circular to the Shareholders of the 24th December, has now been completed. Some of the improvements then contemplated have been effected, and others are in progress; and the directors feel no reason whatever to doubt that the purchase will not only prove a profitable transaction in itself, but will tend materially to strengthen the position of the Solicitors' Journal.

A comparison of the annual accounts presented this year with those submitted to the last annual meeting will show a steady, though by no means a rapid improvement in the position of the company. On the one hand an increase will be observed in every item of income, while on the other, a diminution has been effected in almost every item of expenditure.

The arrangements which have been made by the directors for the conduct of the current volume have been based upon a careful and detailed estimate, prepared by the publisher, and are justified by the experience of the past year, and from it the directors confidently anticipate that, after the lapse of another year, the accounts will show a surplus income—a result which the directors feel would be a subject for much congratulation, quite apart from any pecuniary advantages it would afford to the proprietors.

In the course of the year, the directors have received from various shareholders' valuable communications, including criticisms, both upon articles appearing in the "Journal," and upon the "Reports."

It cannot be too strongly impressed upon the proprietors, that it is in their power to render very important assistance in supporting and encouraging the publication by such contributions; and they are earnestly invited to give it further support by bringing it under the notice of their brother professional men, both as a class journal and a medium for advertisements.

The company, during its short existence, has already lost some valuable members by death, including the late Mr. W. H. Trinder (a director, and one of the original promoters of the company); the late Mr. G. H. Kinderley, of Lincoln's-inn; the late Mr. J. J. J. Sudlow, of Bedford-row; the late Mr. H. W. Woodhouse, of Lincoln's-inn; and the late Mr. David King, of Cambridge.

A number of shares have thus been placed at the disposal of the directors, for the benefit of the personal representatives of the late members, and the directors will be happy to receive applications for them from any gentlemen either already connected with the company or recommended by a proprietor.

In conclusion, the directors feel that they may already congratulate the shareholders upon the possession of a publication worthy of the profession to which they belong, and which, if conducted as they hope and believe it will be, and adequately supported by the body for whose benefit it was primarily designed, may accomplish much for the advancement of the interests of the attorneys and solicitors of England and Wales, and, through them, may promote the well-being of the public at large.

The following report from the auditors was also presented to the meeting:—

AUDITORS' REPORT.

London, February 5th, 1859.

Gentlemen,—We have to report that we have examined the accounts which it is intended to lay before you at the annual meeting on the 7th instant, and that we have vouched the various items of expenditure contained therein. We have to state that in our opinion the balance-sheet signed by us is a full and fair balance-sheet, containing the particulars required by the regulations of the company, and that it is properly drawn up, so as to exhibit a true and correct view of the state of the company's affairs upon the 2nd of November, 1858, on which day the past financial year of the company ended.—We are, gentlemen, your most obedient servants,

Alfred A. Pollock, Fred. Peake.

To the Shareholders of The Law Newspaper Company (Limited).

The following resolutions were passed unanimously:—

1. That the annual report of the directors be received and adopted.
2. That the report of the auditors upon the accounts be received and adopted.
3. That the following gentlemen, being the directors retiring in pursuance of the 48th of the company's Articles of Association, be re-elected:—Messrs. Case, Maidstone; Janson, London; Lace, Liverpool; Lake, London; Lowndes, Liverpool; Stallard, Worcester; W. Williams, London.
4. That the best thanks of the company be given to the directors for the time and attention they have given to the company during the past year.
5. That the best thanks of the company be given to the auditors, A. A. Pollock, Esq., and F. Peake, Esq., for the able manner in which they have discharged their duties, and they be requested to accept the same appointment for the ensuing year.
6. That the thanks of the meeting be given to the Chairman.

Law Students' Journal.

LAW SOCIETY'S LECTURES.

J. W. Smith, Esq., on Conveyancing; Monday, Feb. 21, at 6 o'clock.

R. E. Turner, Esq., on Common Law; Friday, Feb. 25, at 6 o'clock.

Salaries to Recorders.—A return has been handed in to the House of Lords of the salaries now paid to the recorders of cities and boroughs in England. These salaries vary very much, being in some cases as low as 4*l.* 4*s.* (Durham), and in others as high as £3000 (city of London). £40 and £50 is a common salary, and some recorders receive from £100 to £500 a year. The recorders of Clitheroe, Aldborough, Orford, and Wells, receive no salary at all. The sources of these salaries are chiefly the borough funds. At Wareham the mayor kindly pays the recorder, "out of his own pocket," the munificent salary of two guineas a year. The Recorder of London receives his £3000 a year from "the City's Cash."

The Expense of Keeping Thieves.—Some persons have, reasonably enough, expressed doubt as to the cost of the bad people detained in Newgate awaiting their trial. The sum, enormous as it is, of £100 a-year is quite within the truth. In the report of the city expenditure for 1857, p. 24, will be found most of the items, the grand total of which is 11,036*l.* 16*s.* 10*d.*, from which in the first instance must be deducted 5547*l.* 19*s.* paid in one year as part of an enormous expense for the reconstruction of the prison, leaving a sum of 5488*l.* 17*s.* 10*d.* the ordinary yearly cost; to which add, as a very moderate estimate for the rent of the building, £4500, or a total of 9988*l.* 17*s.* 10*d.*; and then, charging only £600 a-year for the improvements, which, when finished, will amount to £25,000 or £30,000, there will be, in round numbers, a yearly cost of £10,600, which, divided by 106, the average number of persons detained, makes a sum of £100 as the cost of each paid for out of the pockets of the industrious ratepayers. For this choice little parish, of a few thousand square yards, the chaplain is paid, as formerly stated, £500 a-year, nearly £5 each soul; the doctor, £190, or 1*l.* 15*s.* 10*d.* for each body; and the governor, Mr. Weatherhead, £400, or nearly £4 each, for taking care of them, assisted by a staff of persons, whose united salaries amount to £1900. Nice thing to be a thief in England! On these 106 rogues is expended a sum of money equal to the whole income of 352 country labourers, at £30—a large estimate, if the statements be correct, of the poor persons who, living in Wiltshire and Suffolk, tell their own tale in the *Times*. Now, if we reckon the families of these as of four persons only, it will be found that the 106 persons in Newgate consume an amount of treasure yearly equal to that of 1408 honest people. Thus, one thief costs as much nearly as five good men, women, and children. This corruption is enough to destroy the wealth and vigorous virtue of the greatest nation on the earth.—*City Press.*

Admission of Attorneys.

Queen's Bench.

EASTER TERM, 1859.

Clerk's Name and Residence.	*To whom Articled, Assigned, &c.*
Adcock, Alfred Cam Rainey, 49, Southampton-row, Acton-street; and Horncastle	Richard Clitherow, Horncastle.
Atkinson, John, Newcastle-upon-Tyne	W. R. Swan, Newcastle-upon-Tyne.
Baker, Henry, Royston; and Upper Brunswick-terrace, Islington	H. Wortham, Royston.
Baker, Robert Hugo Montagu, Newton Abbott, Newton Bushel; and Bedford-row	R. Francis, Newton Bushel; H. F. Church, Bedford-row.
Bates, Anderson, Great Grimsby	W. H. Daubney, Great Grimsby.
Bennett, John Severn, 5, Charles-square, Hoxton	H. Ashley, 5, Charles-square.
Berridge, Isaac, 30, Frederick-street, Grays'-inn-road; and Oxford	G. P. Hester, Oxford.
Blackett, Frederic, Leeds	J. E. Upton, Leeds; C. Bulmer, Leeds.
Blake, Arthur Palmer, 11, Lower Calthorpe-street; and Serjeants'-inn, Temple	C. Blake, Serjeants'-inn, Temple.
Boger, Hext, 4, Lamb's Conduit-place; Wolsdon; and Truro, Cornwall	D. Boger & C. T. Bewes, Stonehouse; J. Roberts, Truro.
Bowen, William, 73, Pentonville-road; Vincent-terrace, Islington; and Penn	T. Bolton, Wolverhampton.
Bowker, Thomas, Whittlesey; and Hastings	Gates, Son, & Percival, Peterborough.
Broatch, Robert, Keswick	J. Hall, Keswick.
Brown, William Henry, 23, Hunter-street, Brunswick-square; and Uppingham	T. Brown, Uppingham.
Browne, Hugh, Nottingham	M. Browne, Nottingham.
Capel, Arthur Henry, 12, Chapel-street, Bedford-row; Bristol; and Lincoln's-inn-fields	H. A. Palmer, Bristol.
Clarke, Edwin Hyde, 9, Compton-street East, Brunswick-square; Bromley; and Russell-place, New North-road	R. Roy, Lothbury.
Clarke, Richard, Shrewsbury	G. S. Corser, Shrewsbury.
Clinch, James, 11, Harpur-street, Red Lion-square; and Leamington Priors	C. E. Large, Leamington Priors.
Collinson, Samuel, Tottenham; and Albert-street, Penton-street, Islington	W. H. Lammin, John-street, Adelphi.
Colville, Edward Richard, Grafton-street East; and Chancery-lane	E. F. Burton, Chancery-lane; T. Kennedy, Chancery-lane.
Cooper, Richard Moore, 1, Lincoln's-inn-fields; and Clifford's-inn	J. J. Cridland, Lincoln's-inn-fields.
Darvill, Henry, jun., New Windsor; and Great Percy-street, Pentonville	H. Darvill, New Windsor.
Davis, George Richard, 73, Warwick-street, Pimlico	F. Bowker, Winchester.
Dickinson, Robert, Coxlodge, Northumberland	G. Armstrong, Newcastle-upon-Tyne.
Diver, Charles, 8, Millman-street, Bedford-row; and Great Yarmouth	C. H. Chamberlin, Great Yarmouth.
Dowell, Stephen B. A., Hampstead	R. Bray, R. A. Warren, and G. Harding, Gt. Russell-st.
Drewry, William John, Newton; and Compton-street East, Brunswick-square	J. Drewry, Burton-upon-Trent.
Edwards, William Samuel, 44, Swinton-street, Gray's-inn-road; Uckfield; and Bartlett's-buildings	J. G. Langham, jun., Uckfield; J. D. Finney, Furnival's-inn.
Eliot, William Kyd, 41, Great Ormond-street, Queen's-sq.; Chippenham; and Raymond's-buildings	C. P. Wood, Raymond's-buildings; T. A. Fellowes, Chippenham.
Evans, Edward, 1, Victoria-terrace, Stockwell	J. Guy, Cannon-row, Westminster.
Ford, Wharton, 8, Lincoln's-inn-fields	M. Ford, Lincoln's-inn-fields.
Forster, George Edward, 13, Motcomb-st., Wilton-crescent; and Princess-st., Manchester	T. T. Harding, Manchester.
Fortescue, William Crawford, 8, Guildford-street, Russell-square; Plymouth; and Pimlico	W. H. Prance, Plymouth.
Foster, William, 18, Trinidad-place, Liverpool-road	J. Turnley, Cannon-street.
Gratton, Charles Joseph, 22, Great Percy-street, Pentonville	J. Cutts, Chesterfield; R. T. Gratton, Chesterfield.
Green, Melvill, 1, Trinity-place, Charing-cross; and Weymouth-street, Portland-place	J. Lucas, Trinity-place.
Hills, Octavius Lilburne, 4, Douro-place, Kensington	H. W. Ravenscroft, Gray's-inn-square.
Holtham, Herbert William, 9, Albert-terrace, Victoria-road; and South Grove East, Mildmay-park, Stoke Newington	
Hore, Fraser Salter, Dulwich	J. A. Freeman, Brighton.
	J. Hore, Lincoln's-inn-fields; W. J. Williams, Brighton; H. S. Westmacott, John-street, Bedford-row.
Hotson, Campbell Majoribanks, 1, Park-crescent, Church-street, Stoke Newington; and Stratton St. Mary	J. Hotson, Stratton St. Mary.
Hounsell, Edward, Bridport; and King's-road, Bedford-row	W. S Shoobridge, Dover; T. H. Strangways, King's-rd.
Howlett, Francis John, Bowthorpe; Guildford-street; and Gower-street	W. Rackham, Norwich; H. Cooke, Catton; P. E. Hansell, Norwich.
Hoyle, George William, Rotherham; Gray's-inn-square; and Lombard-street	R. Marsh, jun., Rotherham; W. F. Hoyle, Rotherham.
Hunt, Henry Edward, Nottingham; and Great James-street, Bedford-row	W. Hunt, Nottingham.
Hunt, William Henry, 5, Holford-street, Pentonville; and Stratford-upon-Avon	W. A. Hunt, Stratford-upon-Avon.
Jacobs, Joseph Lyon, Kingston-upon-Hull; and Chesterfield-street, King's-cross	W. H. Moss, Kingston-upon-Hull.
James, Walter Boucher, Carlisle; and Church-terrace, Kentish-town	J. Nanson, Carlisle.
Jelf, John, Aston; and Birmingham	W. S. Sutton, Birmingham.
Keele, Edward, Rushworth, Southampton	W. H. Moberley, Southampton.
Kidder, William Browne, 22, Calthorpe-street, Guildford-street	A. D. Bird, Guildford-street.
Leigh, John Thomas, Gorton, near Manchester; and Shaftesbury-crescent, Pimlico	A. Leigh, Ashton-under-Lyne; H. Wheeler, Manchester; W. F. Spinks, Great James-street, Bedford-row.
Lloyd, David, Lampeter	J. Lloyd, Lampeter.
Lobb, Joseph Stratton, Southampton; and Gloucester-terrace, Hyde-park-gardens	C. E. Deacon, Southampton.
Lowsher, Edward, Sydenham	A. Mayhew, Carey-street.
Land, William, Hampstead	C. McDuff, Castle-street.
Laxton, Robert, Tavistock	S. E. S. Carpenter, Tavistock.
Mackreth, Henry Williams, Kilburn	E. Thompson, St. Swithin's-lane.
Manclarke, William Thomas, 16, Holford-square, Clerkenwell; and Rugby	G. Harris, Rugby; W. Harris, Rugby.
Marston, Walter, Ludlow; and Bernard-street, Russell-square	W. Urwick, Ludlow.
Mills, William Primrose, 4, Lloyd-square; and Bedford-row	E. Freestone, Norwich; H. Parker, jun., Bedford-row.
Minor, Walter Richard, 10, Lloyd-square, Pentonville; and Liverpool	J. H. Onions, Market Drayton; W. K. Tyrer, Liverpool.
Moore, Joseph Mason, Harton, near South Shields	E. Maxwell, South Shields.
Nash, Wallis, Wickham-place, Clapton	S. F. Marson, Southwark; E. G. Craig, Braintree.
Orwin, John, Western-hill, Durham	G. Smith, Durham.
Peck, Kenrick, 32, Albany-street, Regent's-park; Taviton-street, Gordon-sq.; and Taunton	G. B. Hume, Great James-street, Bedford-row; W. Giles, Taunton.
Peele, Cecil, Shrewsbury; and Great Russell-street, Bloomsbury	J. J. Peele, Shrewsbury.
Peele, George De Courcy, Shrewsbury; and Great Russell-street, Bloomsbury	J. Loxdale, Shrewsbury.
Pope, Edward Russell, 15, Ebury-street, Chester-square; Bristol; and Bedford-row	B. Smith, Bristol.
Prince, William Taylor, 16, Compton-street East; Brunswick-square; Burton-upon-Trent; and New Boswell-court	J. Perks, Burton-upon-Trent.
Richards, John Whitehead, 118, Great Russell-street, Bloomsbury; Martock; Bernard-st.; and Harley-street, Cavendish-square	J. Batten, Yeovil.
Richards, William Abraham, 11, Gibson-square, Islington; and Nottingham	W. Enfield, Nottingham.
Roberts, Henry Brougham, 17, Spring-gardens, Whitehall	T. Roberts, 17, Spring-gardens, Whitehall.
Rothera, George Bell, Nottingham	C. H. Clarke, Nottingham.
Rutland, Simon, Peterborough	W. D. Gaches, Peterborough.
Skyrme, John Henry, Ross, Featherstone-buildings, Holborn; and Baysham	H. Minett, Ross.
Snow, Onslow, Birmingham	W. Palmer, Birmingham.
Snowdon, Henry, 47, Frederick-street, Gray's-inn-road; and Belgrave-street	H. P. Snowdon, Leeds; R. Boyer, Old Jewry-chambers.
Smith, Alfred, Wakefield	J. Nettleton, Wakefield; S. F. Harrison, Wakefield.
Smith, Henry, Kidderminster	G. A. Bird, Kidderminster.
Stacpoole, Robert Ward, 19, Oxford-road, Islington	J. Wyatt, South-square.
Steward, John Charles Tucker, Chester; and Stanhope-street, Hampstead-road	R. C. Blakeway, Much Wenlock; F. Parker, Chester.
Traill, Sinclair, Morden-hill, Blackheath	J. H. Denbow, Stone-buildings, Lincoln's-inn.
Turner, Alderson, 9, Richmond-terrace, Canonbury; and Great George-street, Westminster	J. P. Fearon, Great George-street.
Twyford, Augustus S., 36, Harley-street	J. Murray, Whitehall-place; T. D. Calthrop, Whitehall-place.
Warnes, John Charles, Eye	T. French, Eye.
Waterworth, Thomas Whitham, Keighley; 4, Claremont-place, Queen's-road, Dalston; and Serjeants'-inn, Fleet-street	T. Waterworth, Keighley.

Clerk's Name and Residence.	*To whom Articled, Assigned, &c.*
Watson, Thomas, 26, Great Percy-street, Pentonville	J. Richardson, Thirsk; T. Tayloe, Scott's-yard, Cannon-street.
Webb, John, Kenilworth; and 52, Drummond-street, Euston-square	A. Simcox, Birmingham; W. Flux, Ironmonger-lane, City: W. S. Poole, Kenilworth.
Weld, Walter, 4, Dorset-street, Baker-street; and Great George-street	T. S. Shuttleworth, Preston; J. P. Fearon, Gt. George-st.
White, Jasper Leavens, Rawdon, near Leeds; and 34, Wharton-street, Lloyd-square	E. J. Teale, Leeds; T. G. Teale, Leeds.
Wilkinson, Benjamin Gay, 26, Carlton-cottages, Brunswick-st., Dover-road; and Whitehall.	T. D. Calthrop, Whitehall-place.
Woodall, William Otter, 26, Alfred-street, Bedford-square; King's Bench-walk, Temple; and Carlisle	T. H. Hodgson, Carlisle.
Wooler, William George, 80, Cambridge-terrace, Hyde-park; and Durham	W. C. Newby, Stockton-upon-Tees.

PURSUANT TO JUDGES' ORDERS.

Carling, Henry Onslow, Weirdale Villa, Earl's-street, Kensington; and Clifford's-inn	J. Weymouth, Clifford's-inn.
Mason, James, 61, Sydney-street, Brompton; and Henrietta-street, Cavendish-square	J. Simpson, Henrietta-street.
Notcutt, Stephen Abbott, jun., 32, Regent-square; and Ipswich	S. A. Notcutt, Ipswich.
Peters, Daniel John, 13, Rochester-road, Camden-town	H. Abbott, Bristol.
Philp, William Robert, Hayes, Middlesex	W. Philp, Bucklersbury.

Births, Marriages, and Deaths.

BIRTHS.

BELLASIS—On Feb. 16, at Northwood-house, St. John's-wood, the wife of Mr. Serjeant Bellasis, of a son.

CARR—On Feb. 12, the wife of Anthony Carr, Esq., Solicitor, Loughborough-park, Brixton, of a son.

COLERIDGE—On Feb. 15, at 6 Southwick-crescent, the wife of J. D. Coleridge, Esq., of a son.

CRAFTER On Feb. 11, at 10 Doughty-street, the wife of George Crafter, Esq., of a son

HOOPER—On Feb. 13, at 18 Bedford-circus, Exeter, the wife of Henry Wilcocks Hooper, Esq., Solicitor, of a son.

JENNINGS—On Feb. 10, the wife of Edward B. Jennings, Esq., Burton-upon-Trent, Solicitor, of a son.

LIGHTFOOT—On Feb. 16, at Orsett-place, Westbourne-terrace, the wife of Henry W. Lightfoot, Esq., of a daughter.

MASON—On Feb. 13, at 16 Blomfield-terrace, Harrow-road, the wife of Augustus Mason, Esq., of a son.

MONK—On Feb. 14, at 6 Connaught-place West, Hyde-park, the wife of Charles James Monk, Esq., of a daughter.

SMITH—On Feb. 11, at 6 Ladbrooke-villas, Notting-hill, the wife of Robert Smith, Esq., of a daughter.

SOMERVILLE—On Feb. 11, at 13 Porchester-square, the wife of Stafford Somerville, Esq., of a daughter.

MARRIAGES.

BROOKE—JETTER—On Feb. 10, at the church of the Holy Trinity, Brompton, by the Rev. C. J. Goodhart, the Rev. Henry E. Brooke, third son of William Brooke, Esq., Q.C., Master in the Irish Court of Chancery, to Maria, eldest daughter of the Rev. J. A. Jetter.

GARDINER—POTTER—On Feb. 10, at St. George's, Bloomsbury, by the Rev. Tay Leaver, M.A., Thomas, youngest son of John Bull Gardiner, Esq., of Surbiton, to Charlotte Henrietta, third surviving daughter of George William Killett Potter, Esq., Secondary of London.

PHILLIPS—CHANNELL—On Feb. 11, at the parish church, Marylebone, by the Rev. Arthur Canney, the Rev. George Phillips, of Jesus College, Oxford, M.A., senior curate of St. George's, Ramsgate, to Gertrude Marianne, only surviving daughter of Sir William Fry Channell, one of the Barons of her Majesty's Court of Exchequer.

SHERWOOD—ABBOTT—On Feb. 10, at St. George's, Bloomsbury, by the Rev. Edward Theed, M.A., Vice-Provost of King's College, Cambridge, George Sherwood, youngest son of Thomas Sherwood, Esq., of Leamington, Warwickshire, to Mary Anne, only daughter of the late Charles Thelwal Abbott, Esq., of Gower-street, and New-inn.

WALLIS—POWER—On Feb. 9, at St. Andrew's Church, Westland-row, Dublin, by the Rev. Robert Meyler, John E. Wallis, Esq., of the Inner Temple, Barrister-at-Law, to Anna, only daughter of Robert Power, Esq.

DEATH.

BUSHWORTH—On Feb. 11, at Oak-cottage, Holloway, George Allenby Bushworth, Esq., Solicitor, 10 Staple-inn, Holborn, aged 55.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

ADEY, WILLIAM MOORE, Esq., Wootten-under-Edge, Gloucestershire, and RICHARD BLAGDEN, Esq., Uley, Gloucestershire, £1478 : 14 : 10 Consols. Claimed by EMMA ADEY, Widow, and Rev. THOMAS COX, Clerk, the surviving executors of WILLIAM MOORE ADEY, who was the survivor.

AUFRERE, PHILIP NORRIS, Esq., Scarning, Norfolk, £357 : 6 : 10 New 3 per Cents.—Claimed by PHILIP NORRIS AUFRERE.

BRADBY, MATTHEW BARTON, Esq., GEORGE EDE, Esq., and CHARLES EDMUND RUMBOLD, Esq., all of Southampton, and WILLIAM WHITTON, Gent., King's-road, Bedford-row, Fourteen Dividends on £6666 : 13 : 4 Reduced.—Claimed by WILLIAM JOHN LAW and MADGWICK SPICER DAVIDSON, the acting executors of CHARLES EDMUND RUMBOLD, who was the survivor.

BRIGGS, Rev. JOHN, Eton College, FRANCES EMILY TAYLER (now wife of Rev. George Wallace, of Canterbury), and ADELAIDE DAVIDONA MARIA TAYLER, Spinster, Stoke Newington, Eleven Dividends on £129 : 1 : 5 Consols.—Claimed by FRANCES EMILY WALLACE.

CURLING, DOROTHY, Widow, Cleveland-row, St. James, One Dividend on £3799 : 17 : 7 Consols.—Claimed by ELIZA BEDFORD, Widow, the sole executrix.

DEANE, ELIZABETH, Spinster, Collingbourne, One Dividend on £1106 : 3 : 7, and One Dividend on £906 : 3 : 7 Consols.—Claimed by DEANE WILLIAM CLUNES, administrator, with will annexed, de bonis non.

EDRIDGE, ELIZABETH, Widow, Kennington-place, Vauxhall-road, One Dividend on £2160 3½ per Cents.—Claimed by JOHN PRIESTLEY, one of the executors.

ELLIOTT, GEORGE HENRY, Lieut.-Col., Binfield-pk., Berks, One Dividend on £4000 Annuities—Claimed by GEORGE HENRY ELLIOTT, Esq., acting executor.

ENGLEY, PATIENCE, Spinster, Stroud, £48 New 3 per Cents.—Claimed by HARRIOTT DOWDESWELL, Widow, administratrix.

FORD, THOMAS, Plumber, Lambeth-walk, £50 Reduced.—Claimed by THOMAS FORD.

HODSON, THOMAS, Esq., Lewes, Sussex, and EDWARD KENWARD, Gent., Uckfield, Sussex, Four Dividends on £346 : 13 : 10 New 3½ per Cents.—Claimed by EDWARD KENWARD.

KEBBELL, MARK, Gent., Brighton, Sussex, £280 New 3 per Cents.—Claimed by MARK KEBBELL.

KEET, SUSANNA, Widow, Hadley, Middlesex, One Dividend on £55 : 9 : 8 per annum Long Annuities.—Claimed by Rev. RICHARD CRAWLEY, the surviving executor.

LEIGH, JAMES HENRY, Esq., Portman square, Middlesex, £105 : 10 : 2 Consols.—Claimed by Right Hon. MARGARETTE, Dowager Baroness LEIGH, Widow, and Hon. EDWARD TURNER BOYD TWISLETON, executors of Right Hon. CHANDOS, Baron LEIGH, who was the surviving executor of JAMES HENRY LEIGH.

MELLOR, GEORGE CHARLES, Esq., London-road, Derby, certain Dividends on sums of 3 per Cent. Consols.—Claimed by Rev. THOMAS VERNON MELLOR, one of the executors.

MORTIMER, Rev. HANS SANDERS, Barham, Kent, One Dividend on £1340 Navy 5 per Cents.—Claimed by MARY MORTIMER, Widow, the sole executrix.

MURRAY, WALTER, Esq., Upper Berkeley-street, Berkeley-square, JOHN LAWRIE, Esq., Charles-street, St. James's, and JAMES ROBINSON GREIG, Esq., Blackheath, Kent, £364 : 11 : 4 Consols.—Claimed by JAMES ROBINSON GREIG, the survivor.

O'GRADY, WILLIAM, Esq., Orford, Suffolk, Two Dividends on £758 : 9 : 8 Consols.—Claimed by HENRY WILLIAM BROOK, one of the executors

PERCY, Right Hon. BASIL, Earl of DENBIGH, Rev. ALFRED CHARNLEY LAWRENCE, Sandhurst, Hon. WILLIAM BAGOT, Blithfield, Staffordshire, & CHARLES BAGOT, Lieutenant-Colonel in the Army, Two Dividends on £2833 : 18 : 1 Consols.—Claimed by BASIL PERCY, Earl of DENBIGH, & ALFRED CHARNLEY LAWRENCE.

PRATT, FREDERIC THOMAS, D.C.L., Doctors' Commons, and DANIEL SMITH BOCKETT, Gent., Lincoln's-inn-fields, £112 : 4 : 0 Consols.—Claimed by FREDERIC THOMAS PRATT and DANIEL SMITH BOCKETT.

PROWER, JOHN, Clerk, Purton, Wilts, & JOHN MERROTT STEPHENS, Esq., Gloucester, Two Dividends on £2369 : 14 : 10 Consols.—Claimed by ANNA STEPHENS, Widow, administratrix of JOHN MERROTT STEPHENS, who was the survivor.

PRENDERGAST, THOMAS, Esq., Madras, & CAROLINE LUCY PRENDERGAST, his Wife, Four Dividends on £600 New 3½ per Cents.—Claimed by THOMAS PRENDERGAST.

RAIKES, WILLIAM MATHEW, Merchant, London, & WILLIAM GARRETT, Esq., Portsmouth, One Dividend on £2094 : 4 : 10 Consols.—Claimed by ELEANOR PURVIS GARRETT, Spinster, administratrix, with the will annexed, de bonis non of William Garrett, who was the survivor.

RICHARDS, Rev. GEORGE, D.D., Rector of St. Martin's-in-the-fields, £300 Consols.—Claimed by the Right Hon. Sir JOHN PATTESON, the surviving executor.

ROBINSON, HESTER, Spinster, Upper Gower-st., £230 : 0 : 0 Consols.—Claimed by THOMAS PAYNTER and ARTHUR WALFORD, the surviving executors.

SAVORY, ELIZABETH, Spinster, St. John's-lane, Smithfield, and MARY SHIRLEY, Widow, Vauxhall-st., Kennington, £3 : 10 : 0 per annum Annuity for terms of years ending Jan. 5, 1860.—Claimed by ELIZABETH SAVORY, the survivor.

SELWYN, HENRY, Esq., War Office, One Dividend on £1600 3½ per Cents.—Claimed by EDMUND WHITE, his executor.

THORNTON, Lieutenant-Colonel GODFREY, Queen Ann-street, Cavendish-square, One Dividend on £1469 : 13 : 11 Consols.—Claimed by HARRY THORNTON and CHARLES JOHN PEARSE, the executors.

TOWNSEND, Capt. THOMAS, Barrackmaster at Fort Garry, North America, Five Dividends on £309 : 5 : 7 3½ per Cents.—Claimed by THOMAS TOWNSEND.

UNWIN, JOSEPH, Esq., Calthorpe-st., Guildford-st., One Dividend on £50 per ann. Annuities.—Claimed by JOHN DOUTTY, the acting executor.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette *and elsewhere during the Week.*

ATKINSON, ANN, Daughter of the late William Grewer, of Plaistow, Essex (who died in 1810), and Widow of Edward Atkinson, Farmer, formerly of Plaistow, but latterly of the Weighbridge, in the Mile-end-road (who died in 1844). Her next of kin to apply to C. G., 7 Dean-street, Commercial-road East.

BROOKE, LETITIA, Wife of Robert Brooke, Gent., deceased, formerly of Margate; before her marriage Letitia Harding, Spinster. Her next of kin to send in particulars of their claims to Messrs. Brooke & Mertens, Solicitors, Margate, or W. H. E. Duncan, 35 Lincoln's-inn-fields.

COLLIS, GEORGE (who died abroad). His next of kin to apply to the Solicitor of the Treasury.

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	229	228½	..	..	227½ 9
3 per Cent. Red. Ann...	95⅝	95⅞ ⅜	96¼ 6 ⅜	96	96	96⅛ 6
3 per Cent. Cons. Ann...	95⅜ ⅛ ⅜	95½ ⅜ ¼	95⅜ ⅜ ⅜	95⅛ ⅜	95⅛	95⅛ ¼ ⅜
New 3 per Cent. Ann...	95⅛ ⅜	95⅛ ¼	96¼	96 5⅛	96⅛	96 ¼ 5⅛
New 2½ per Cent. Ann.	..	..	..	..	..	..
Long Ann. (exp. Jan. 5, 1860)	..	..	1 3-16	1⅛	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	15-16	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	18⅛	18 3-16	..	18⅛	..
India Stock	219 21	221	..	..	219	..
India Loan Debentures..	98⅛ ⅛	98⅜ ⅜	98 ⅛	98⅛ 8	98	98⅛ ⅛
India Scrip, Second Issue	..	..	..	..	..	..
India Bonds (£1,000) ..	18s 22sp	15s p	15s p	..	18s p	..
Do. (under £1000)	..	..	..	18s p	..	15s 18s p
Exch. Bills (£1000) Mar.	..	36s 33sp	33s 35s p	36s 3s p	..	..
Ditto June.....	36s 33sp	..	33s 35s p	..	34s p	36s 39s p
Exch. Bills (£500) Mar.	..	..	..	..	38s p	..
Ditto June.....	..	36s p	33s 36s p	..	..	..
Exch. Bills (Small) Mar.	33s p	34s p	..	33s p	38s p	..
Ditto June	36s p	36s p	36s p	..	..	..
Do. (Advertised) Mar.	..	..	..	..	..	..
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	..	100½	..	..

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	..	..	..	95 ⅜	95⅜ ½
Caledonian.....	85½ ⅜	..	86½	85½ ½ ⅜	85 ½	85½ ½
Chester and Holyhead..	48⅜ ⅜	48⅜ ⅜	..	48⅜ 9	48⅜	48⅜ 9
East Anglian	15⅜ 16½	..	..	15⅜	..	15⅜
Eastern Counties	62	62⅜ ½	..	62 ⅜	62½	62 60⅜
Eastern Union A. Stock.	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	..	..	..	95½	95½
Edinburgh and Glasgow	..	72	..	71 ½	71¼	71¼ 2
Edin. Perth, and Dundee	..	29	29½	..	..	29½ 9
Glasgow & South-Westn.	..	..	..	..	..	94
Great Northern	105½ 5	105 4⅞	..	..	105	105 ⅞
Ditto A. Stock	83⅜	..	89½	89	..	89 ¼
Ditto B. Stock	..	..	..	..	..	137½ 8
Gt. South & West. (Ire.)	..	..	..	..	86⅜ ⅜ 7	104⅛
Great Western	56⅜ 5⅞	56⅜ ½	56⅜ 7⅛	56⅜ 7	..	56⅜ 7
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancaster & Carlisle ..	..	..	86	..	..	..
Lancashire & Yorkshire	95⅜ ⅜	95 ⅜	96	95⅜ ⅜	95½	95⅜
Lon. Brighton & S. Coast	109⅛ 8⅜	109⅛ 9	109½	109⅛	109	109⅛
London & North-Wstrn..	95⅜ 5	96 5⅛	96⅛ ⅛	95⅜ 6⅛	96 5⅜	95⅜ 6⅛
London & South-Westrn.	93 2⅛	92⅛ 3	93 2⅜ ⅜	93⅜ 3	..	92⅜ 3
Man. Sheff. & Lincoln..	38	38½	38⅛	38⅜	..	38⅛
Midland	101⅜ ⅞	101⅜ 2	102⅛ ⅜	102⅛ 1⅜	102	102⅛
Ditto Birm. & Derby	..	..	..	77	..	77 6⅛
Norfolk	..	..	..	..	65	65 4⅜
North British	62⅛ 1⅜	62 1⅛ 2	..	61⅜ ⅛	61⅛ 1	61⅜ 59⅜
North-Eastern (Brwck.)	93⅜	93⅜ ⅜	93⅜	93 ½	93⅛	93⅜
Ditto Leeds	..	48⅜ ⅜	48⅜ ⅛	..	..	48⅜
Ditto York	78 ⅛ ⅜	..	78⅜ ⅛	79	..	79 78⅜
North London	..	..	..	..	102½	102½
Oxford, Worc. & Wolver.	..	..	..	30½	..	30½
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	..
Do. Scotsh. Mid. Stk.	85	..	..	..	..	..
Shropshire Union	..	..	..	..	..	..
South Devon	..	..	37⅛	37 ⅜ ⅛	..	37⅛ 8
South-Eastern	74⅜ ⅛	..	74⅜	74⅜	..	74⅜ 4
South Wales	..	..	..	..	..	..
Vale of Neath	..	..	80	..	..	77 7⅛

Insurance Companies.

	PAID.	PER SHARE.
Equity and Law	£5 19 10	..
English and Scottish Law Life	3 5 0	..
Law Fire	2 10 0	4 0 0
Law Life	10 0 0	..
Law Reversionary Interest.....	25 0 0	23 6 8
Legal and General Life	6 9 0	..
London and Provincial Law	3 12 6	..

Estate Exchange Report.

(For the week ending February 17, 1859.)

AT THE MART.—By Messrs. FOSTER.

Freehold Building Ground, St. Catherine's-road, Notting-hill, three plots.—Sold for £1395.

An Absolute Reversion to one-ninth share or part of £18,944 : 1 : 6 Three per Cent. Consolidated Bank Annuities, the whole sum is subject to annuities amounting altogether to £80; payable on the death of a lady now in her 56th year.—Sold for £790.

By Messrs. H. BROWN & T. A. ROBERTS.

Leasehold, Nos. 3 to 5, Hawkins-street, Sidney-street, Mile End, four houses, large yard, and stabling; held for 42 years from March, 1859; free from ground-rent.—Sold for £1100.

By Messrs. E. FOX & BOUSFIELD.

Freehold, "Ripple Vale-house," Ripple, near Walmer, Kent, marine residence, and six acres of ornamental grounds.—Sold for £2100.

Leasehold, No. 16, Carburton-street, Portland-road, Marylebone, business premises; let on lease at £55 per annum; also a warehouse in the rear thereof; estimated value, £20 per annum, the whole held for 84½ years from December, 1805; ground-rent, £10 : 1 : 0 per annum.—Sold for £515.

By Messrs. BOWES & BELLINGHAM.

Copyhold, Tunlow field, West-end, Middlesex, 1¼ acres of meadow land; estimated annual value, £6.—Sold for £70.

Leasehold Premises, Neal's-yard, Great St. Andrew's-street, St. Giles; term, 99 years from 29th September, 1842, at a peppercorn; let at £28 per annum.—Sold for £150.

The Reversion to one-third part of £2000, Three per Cent. Consols., receivable on the death of a gentleman, aged 60 years, provided the reversioner, aged 21 years, survive the elder.—Sold for £100.

Life Interest of a Lady, aged 49 years, in the sum of £1679 : 4 : 11, Bank Three per Cent. Annuities, together with two policies of insurance for £320.—Sold for £390.

By Mr. F. TAYLOR.

Leasehold, No. 16, Baker-street, Portman-square, residence and confectioner's shop; term, 29 years from Lady-day next; ground-rent, £10 : 10 : 0 per annum; let on lease at £110 per annum.—Sold for £1420.

By Messrs. BAKER & MORLEY.

Leasehold, No. 5, Riding-house-street, Langham-place; term, 60 years from April, 1856; ground-rent, £15 per annum; let at £55 per annum.—Sold for £500.

AT GARRAWAY'S.—By Mr. LEIPCHILD.

Freehold, "Brook Farm," Great Badden, Essex, comprising residence and homestead, with about 60 acres of arable and meadow land; let on lease for 14 years from Michaelmas, 1857, at £100 per annum.—Sold for £2200.

London Gazettes.

New Members of Parliament.

TUESDAY, *Feb.* 15, 1859.

DUBLIN UNIVERSITY.—The Right Hon. James Whiteside, *vice* George Alexander Hamilton, Esq.

TOWN OF GALWAY.—John Orrell Lever, Esq., *vice* Anthony O'Flaherty, Esq.

UNIVERSITY OF OXFORD.—The Right Hon. William Ewart Gladstone, re-elected.

FRIDAY, *Feb.* 18, 1859.

BOROUGH OF GREENWICH.—David Salomons, Esq., of Great Cumberland-place, Hyde-park, one of the Aldermen of the City of London.

TOWN AND PORT OF HYTHE.—Mayer Amschel de Rothschild, commonly called the Baron Mayer Amschel de Rothschild, *vice* Sir John William Ramsden, Bart.

Commissioner to administer Oaths in Chancery.

FRIDAY, *Feb.* 18, 1859.

MERRILS, JOSIAH, Gent., Epworth, Lincolnshire.

Bankrupts.

TUESDAY, *Feb.* 15, 1859.

COSTA, JUDAH, & CHARLES DAVIS, Foreign Importers, 30 Minories. *Com.* Goulburn: Feb. 28, at 11; and Mar. 30, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Peddell, 142 Cheapside. *Pet.* Feb. 14.

FOWLER, WILLIAM, Grocer, Bradford. *Com.* West: Mar. 3 and 25, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Young. *Sols.* Bond & Barwick, Leeds. *Pet.* Feb. 11.

GOODMAN, WILLIAM, Leather Merchant, Birmingham. *Com.* Sanders: Feb. 28, at 11; and Mar. 18, at 11; Birmingham. *Off. Ass.* Whitmere. *Sols.* James & Knight, Birmingham. *Pet.* Feb. 12.

KNOTT, JOHN, Draper, Maidstone. *Com.* Fane: Mar. 1, at 1.30; and 29, at 12; Basinghall-st. *Off. Ass.* Graham. *Sols.* Turner & Turner. *Pet.* Feb. 9.

RATTRAY, THOMAS, Ironmonger, 18 Bedford-pl., Commercial-rd. East. *Com.* Fonblanque: Feb. 22, at 12.30; and Mar. 18, at 1; Basinghall-st. *Off. Ass.* Graham. *Sol.* Holmer, 24 Bucklersbury. *Pet.* Feb. 9.

SLEGG, JAMES WINDSOR, Builder, North-st., Strood. *Com.* Goulburn: Feb. 28, at 12; and Mar. 30, at 1; Basinghall-st. *Off. Ass.* Nicholson. *Sol.* Moss, 15 Fish-st.-hill. *Pet.* Feb. 14.

TIBBS, WILLIAM, Leather Manufacturer, Kelton, Rutlandshire. *Com.* Fane: Feb. 25, at 2; and Mar. 25, at 1.30; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Turner & Turner. *Pet.* Feb. 10.

FRIDAY, *Feb.* 18, 1859.

BOULD, WILLIAM, Boot & Shoe Maker, Wolverhampton. *Com.* Sanders: Mar. 3 & 24, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Hawkesford & Parkes, Wolverhampton; or James & Knight, Birmingham. *Pet.* Feb. 10.

DAWSON, SAMUEL, Worsted Manufacturer, Wakefield. *Com.* West: Mar. 3 & 25, at 11; Commercial-bldgs, Leeds. *Off. Ass.* Young. *Sols.* Harrison & Nettleton, Wakefield; or Bond & Barwick, Leeds. *Pet.* Feb. 9.

HEWITT, EDWARD, Corn Factor, Chatham, Kent. *Com.* Goulburn: Mar. 2, at 1.30; and April 4, at 11; Basinghall-st. *Off. Ass.* Pennell. *Sol.* Pratt, jun., 19 Essex-st., Strand. *Pet.* Feb. 11.

LANGDALE, JOHN, Innkeeper, Brompton, Yorkshire. *Com.* Ayrton: Mar. 8, at 12; and April 4, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sol.* Markland, Leeds. *Pet.* Feb. 17.

LONGSTAFF, RICHARD HENRY, Draper, Brewer-st., Somer's-town. *Com.* Fane: Feb. 25 and April 1, at 11; Basinghall-st. *Off. Ass.* Cannan. *Sols.* Davidson, Bradbury, & Hardwick, Weavers'-hall, Basinghall-st. *Pet.* Feb. 8.

NEWTON, WILLIAM HENRY, Builder, Stratford, Essex. *Com.* Evans: Feb. 26, at 11; and Mar. 24, at 1; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Bastard, 25 Philpot-lane. *Pet.* Feb. 17.

POLAK, BERNHARD, Foreign Importer, 17 Broad-st.-bldgs. *Com.* Holroyd: Mar. 1, at 2.30, & 29, at 1.30; Basinghall-st. *Off. Ass.* Edwards. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* Feb. 16.

PURSSELL, JAMES, Confectioner, 78 & 80 Cornhill, and 1 South-pl., Hernehill. *Com.* Fane: Mar. 3, at 2; and April 1, at 1; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* Crowder, Maynard, Son, & Lawford, 57 Coleman-st. *Pet.* Feb. 9.

SCOTT, JOSHUA, Cloth Manufacturer, Thackley, Yorkshire. *Com.* Ayrton: Mar. 8 and 29, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sols.* Dawson, Bradford; or Bond & Barwick, Leeds. *Pet.* Feb. 14.

TAYLOR, THOMAS COULSON, House Decorator, 40 Conduit-st., Hanover-sq. *Com.* Holroyd: Mar. 1, at 1; and Mar. 29, at 12; Basinghall-st. *Off. Ass.* Lee. *Sols.* Harrison & Beal, 19 Bedford-row. *Pet.* Feb. 15.

VICKERS, JOSEPH GIBBONS, Licensed Victualler, 6 Moor-st., Liverpool. *Com.* Perry: Mar. 3 and 24, at 11; Liverpool. *Off. Ass.* Bird. *Sol.* Thornley, Liverpool. *Pet.* Feb. 14.

WILLIAMS, WILLIAM, Grocer, 122 Commercial-st., Newport, Monmouthshire. *Com.* Hill: Mar. 1 and 29, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Bevan & Girling, Bristol. *Pet.* Feb. 9.

BANKRUPTCY ANNULLED.

TUESDAY, *Feb.* 15, 1859.

FRANCIS, THOMAS, Plasterer, 6 Cross-st., Islington. Feb. 8.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Feb.* 15, 1859.

ATKINSON, JOSEPH, Outfitter, Blackpool. Mar. 10, at 12; Liverpool.

BARLOW, CHARLES, Dealer in Boots & Shoes, 1 Cleveland-sq., Liverpool. Mar. 9, at 1; Liverpool.

BAYLIS, RICHARD CASTLE JONES, Shoe Mercer, 3 Lillypot-lane, and 36 Jewin-st. Mar. 9, at 12.30; Basinghall-st.

BUTLER, EDWARD, Tailor, 21 Clifford-st., Bond-st. Mar. 8, at 12; Basinghall-st.

CLARKE, JOHN WILLIAM, Ironmonger, Bury St. Edmunds. Mar. 9, at 12; Basinghall-st.

DAVIES, CHARLES, & EDWARD DAVIES, jun., Soap Manufacturers, Ellesmere Port, Whitby, Cheshire; E. DAVIES, jun., carrying on business as Coal Slate Merchant, at Oswestry, Welshpool, Garth Mill, Bryn-derwen, and Newton, Montgomeryshire. Mar. 11, at 12; Liverpool; joint and sept. est.

GRIFFIN, JAMES, Poulterer, Liverpool. Mar. 10, at 12; Liverpool.

HUDSON, NATHANIEL, Joiner & Builder, Sheffield, Feb. 26, at 10; Sheffield; after an adjournment sine die.

HUMPHREYS, WILLIAM, Corn Merchant, Liverpool. Mar. 9, at 1; Liverpool.

KNAPP, JAMES NELSON, Sail Maker, Newport, Monmouth. Mar. 17, at 11; Bristol.

M'LENNAN, JAMES, Shawl & Cloak Warehouseman, Liverpool. Mar. 10, at 12; Liverpool.

MITCHELL, THOMAS, Coal Dealer, Preston, Lancashire. Mar. 17, at 12; Manchester.

MORGAN, JOHN CLARKE, Innkeeper, Hereford. Mar. 11, at 11; Birmingham; previously adjourned sine die.

MAZER, DANIEL (*not* MAZER, as advertised in *Gazette* of Feb. 11), Hatter, Snargate-st., Dover. Mar. 4, at 12.30; Basinghall-st.

PARKINSON, ROWLAND, Innkeeper, Blackburn. Mar. 11; at 12; Manchester.

PEERS, JOSEPH, Scrivener, Ruthin. Mar. 23, at 11; Liverpool.

SCAMPTON, ROBERT, Worsted Spinner, Leicester. Mar. 15, at 10.30; Birmingham.

YEATS, JAMES SEBASTIAN, Stock & Share Broker, 6 Bank-chambers, Lothbury. Mar. 9, at 12.30; Basinghall-st.

FRIDAY, *Feb.* 18, 1859.

BOURNE, JOHN, Builder, Cardiff. Mar. 17, at 11; Bristol.

BUTLER, SALISBURY, CHRISTOPHER BAKER, & CHARLES EDWARD BUTLER, Wire Drawers, Birmingham. Mar. 14, at 11; Birmingham.

BOWYER, EDWARD, Butcher, Windmill-st., Gravesend. Mar. 11, at 12; Basinghall-st.

DUDALL, CHARLES, Provision Merchant, 9 Crosby-row, Walworth-rd. Mar. 11, at 1; Basinghall-st.

EVANS, CHARLES JAMES, & HENRY JOHN, Coopers, Beer-lane (James & Evans). Mar. 14, at 1; Basinghall-st.

GOVER, EDWARD THOMAS, Stationer, Bull's Head-ct., Newgate-st. Mar. 11, at 12; Basinghall-st.

HART, JOSEPH, Licensed Victualler, Queen's Head Public-house, Waterlane, Blackfriars. Mar. 1, at 1; Basinghall-st. (by adjt. from Feb. 1.)

HENDERSON, ROBERT, Cabinet Maker, Newcastle-upon-Tyne. Mar. 15, at 11; Royal-arcade, Newcastle-upon-Tyne.

HODSON, NATHANIEL (and *not* HUDSON, as advertised in last Tuesday's *Gazette*), Joiner, Sheffield. Feb. 26, at 10; Council-hall, Sheffield.

HOUGHTON, HENRY, Merchant, 46 Friday-st., and 14 Watling-st. Mar. 11, at 11; Basinghall-st.

MARSTON, WILLIAM, Yarn Merchant, Manchester. Mar. 7, at 12; Manchester.

MASSON, JOHN, Merchant, Lime-st.-sq. Mar. 11, at 1; Basinghall-st.

OLIVER, WILLIAM LEMON, Stock Broker, 4 Austin Friars. Mar. 1, at 12; Basinghall-st. (by adjt. from Jan. 14.)

WILLCOCK, WILLIAM UDY, Builder, late of Lucan-pl., Hoxton. Mar. 11, at 11.30; Basinghall-st.

WILLIAMS, JAMES, Grocer, Mountain Ash, Llanwonno, Glamorganshire. Mar. 24, at 11; Bristol.

WYETT, ELIJAH, Miller, Shipdham, Norfolk. Mar. 11, at 11.30; Basinghall-st.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Feb.* 15, 1859.

BRENDOM, CARL, Licensed Victualler, Liverpool. Mar. 10, at 11; Liverpool.

COLLINS, WILLIAM, Draper, 5 & 6 Rydon-ter., City-rd. Mar. 10, at 11; Basinghall-st.

DAWSON, GEORGE, Gunmaker, Grantham. Mar. 15, at 11; Nottingham.

FOSTER, ANN, Grocer, Eynsham. Mar. 10, at 11; Basinghall-st.

MONUMENT, HENRY, Victualler, Britannia Tavern, 4 Caroline-pl., City-rd. Mar. 9, at 12; Basinghall-st.

RICHARDS, WILLIAM, Wire Worker, 370 Oxford-st. Mar. 9, at 11; Basinghall-st.

ROBINS, JOSEPH, Corn Dealer, Dartford. Mar. 9, at 11.30; Basinghall-st.

FRIDAY, *Feb.* 18, 1859.

DAVIES, JOHN, Builder, 122 Tachbrooke-st. Mar. 11, at 1.30; Basinghall-st.

MARCHANT, WILLIAM, Corn Merchant, Rendezvous-st., Folkestone. Mar. 11, at 1.30; Basinghall-st.

MURRAY, JOHN, Ironmonger, Sheerness. Mar. 11, at 11; Basinghall-st.

STUTTARD, JAMES, Cotton Spinner, Albion-st., Manchester (Struttard & Co.) Mar. 14, at 12; Manchester.

WINTER, HENRY LOUIS, Mill Owner, 21 New North-st., Finsbury. Mar. 11, at 11; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Feb.* 15, 1859.

ADAMS, WILLIAM, Glove Manufacturer, 1 Martin-st., Exeter. Feb. 9, 2nd class.

BARLOW, CHARLES, Hatter, 1 Cleveland-pl., Liverpool. Feb. 7, 1st class.

BARTON, JOHN, Silk Manufacturer, Spring-gar., Manchester (Barton & Co.) Feb. 12, 3rd class, after a suspension of 12 months.

BLUNT, JOSEPH, Money Scrivener, formerly of 42 Lothbury, and 3 Winchester-bldgs., now of 13 Austin-friars. Feb. 14, 2nd class.

COOK, GEORGE, Grocer, 23 St. Peter-st., Lower-rd., Islington. Feb. 11, 3rd class.

HARBUTT, THOMAS, Wine & Spirit Merchant, North Shields. Feb. 10, 3rd class.

HARRIS, JOHN, Envelope Manufacturer, 11 College-hill, Thames-st. Feb. 8, 2nd class.

HOGG, EDWARD HALL, Ship Owner, North Shields. Feb. 11, 2nd class.

MOORE, WILLIAM, Innkeeper, Bradford. Feb. 4, 2nd class.

PERKINS, JOHN, Ship Owner, Sandwich. Feb. 8, 2nd class.

THOMAS, RICHARD, Ship Builder, Conway. Feb. 7, 3rd class.

UPTON, JOHN, Plumber, Brighton. Feb. 11, 1st class.

FRIDAY, *Feb.* 18, 1859.

BENSAUD, ISAAC, Merchant, 1 South-sq., Finsbury. Feb. 11, 2nd class.

CHASE, RICHARD, Cheese Factor, Bristol. Feb. 14, 2nd class.

CHILTON, WILTON, Ship Builder, Bishop Wearmouth. Feb. 15, 3rd class.

COX, STEPHEN, Chemical Manufacturer, Netham Chemical Works, Gloucester, Templeback, Bristol, and of Brislington, Somersetshire. Feb. 14, 2nd class.

GRIFFIN, ROBERT, Cattle Dealer, Stewkley, Buckinghamshire. Feb. 12, 3rd class.

HENRY, JOSEPH, Upholsterer, 1 Craven-ter., Craven-hill, Bayswater. Feb. 10, 3rd class, to be suspended for 6 months.

JOHNS, THOMAS COKE, Printer, New-st.-sq., and at 13 Sloane-st. Feb. 11, 1st class.

LAWSON, WILLIAM, Surgeon, 28A Howland-st., Fitzroy-sq. Feb. 12, 1st class.

MAHON, WILLIAM GUN, Bill Broker, 41 Upper Berkeley-st., and Beachhouse, Dawlish. Feb. 11, 3rd class.

MONTGOMERY, ARCHIBALD, Merchant, 3 Great Winchester-st., and High-st., Clapham (A. Montgomery & Co.) Feb. 18, 1st class.

STANLY, GEORGE, Shipowner, 5 Great Queen-st., Westminster. Feb. 9, 3rd class.

SEMMING, ROBERT, Boot & Shoe Maker, P [illegible]ea. Feb. 9, 2nd class.

WHEATLY, JAMES, Farmer, Bourton-on-the-Hill, Gloucestershire. Feb. 14, 2nd class.

WILLIAMS, JAMES, Grocer, Mountain Ash, Llanwouno, Glamorganshire. Feb. 15, 2nd class.

Assignments for Benefit of Creditors.

TUESDAY, *Feb.* 15, 1859.

EVA, WILLIAM, Livery Stable Keeper, Falmouth. Feb. 8. *Trustees*, T. Cordeil, Auctioneer, Penryn; F. Dinnis, Blacksmith, Falmouth. Creditors to execute on or before May 8. *Sol.* Rogers, Falmouth.

HILL, JOHN, Farmer, Stretton Grandison, Herefordshire. Feb. 8. *Trustee*, W. Hammond, Accountant, Ledbury, Herefordshire. Creditors to execute on or before May 8. *Sol.* Piper, Ledbury.

NEIL, JAMES, Innkeeper, Bath. Jan. 22. *Trustees*, J. Cottle, Gent., Saltford, Somersetshire; W. Neil, Gent., Bath. Indenture lies at offices of Heilings & Son, Solicitor, 8 Old King-st., Bath.

FRIDAY, *Feb.* 18, 1859.

FRACKLETON, WILLIAM, & ROBERT TASSIE COWEN, Coopers, Liverpool. Feb. 9. *Trustees*, D. Kennedy, Timber Merchant, Liverpool; H. Sleeman, Wine Merchant, Liverpool, and others. *Sol.* Martin, 24 Devonshire-pl., Everton.

JONES, BENJAMIN, Farmer, Drovers' Arms, Maesmynis, Brecon. Feb. 8. *Trustees*, J. Jones, Mercer, High-st., Brecon; D. Jones, Farmer, Dysgwyfa, Brecon. *Sol.* Bishop, Wheat-st., Brecon.

LAWSON, ANTHONY, Draper, Moreton-st., Westminster. Feb. 4. *Trustee*, W. Morley, jun., Warehouseman, Gutter-lane, London. *Sol.* Jones, 15 Size-lane.

NEWSON, CHARLES, Currier, Northampton. Feb. 11. *Trustees*, D. Hinton, Currier, Northampton; R. Tozer, Oil Merchant, 14 Half Moon-st. *Sol.* Becke, Market-sq., Northampton.

PAUL, JOHN, Yeoman, Drimpton, Broadwinsor, Dorsetshire. Feb. 14. *Trustees*, F. H. Hooke, Yeoman, Crewkerne, Somerset; W. Bullen, jun., Yeoman, Wayford, Somerset; J. Paull, Yeoman, Woolmingstone, Crewkerne. *Sols.* Templeman & Son, Crewkerne.

PARSONS, ROBERT, Victualler, Plough, Rupert-st. Jan 24. *Trustee*, E. Burrow, Gent., Park-st, Southwark. *Sols.* Marson, Dudley, & Marson, 1 Anchor-ter., Bridge-st., Southwark.

PENNICK, MARY, Butcher, East Cowes, Isle of Wight. Jan. 29. *Trustees*, M. King, Esq., Freshwater, Isle of Wight; W. Drury, Yeoman, Whippingham, Isle of Wight. Creditors to execute on or before April 29. *Sol.* Blake, Newport, Isle of Wight.

ROBSON, WILLIAM YOUNG, Flour Dealer, Newcastle-upon-Tyne. Feb. 12. *Trustees*, T. Pollard, Corn Merchant; J. Cutter, Butcher, both of Newcastle-upon-Tyne. *Sol.* Scaife, Newcastle-upon-Tyne.

SAWER, THOMAS, Draper, Wandsworth. Jan. 31. *Trustees*, W. Morley, jun., Gutter lane; H. W. Castle, Love-lane, Warehousemen. *Sol.* Jones, 15 Size-lane.

SMITH, JOHN, Draper, Park-pl., Barnsbury. Feb. 2. *Trustee*, H. Robinson, Warehouseman, Watling-st. *Sol.* Jones, 15 Size-lane.

STEPHENSON, WILLIAM HENRY, Mealman, Eton. Feb. 7. *Trustees*, G. Snowball, Builder, Slough; G. C. Hetherington, Grocer, Eton. *Sol.* Barrett, Eton.

STONEY, BENJAMIN, Draper, Gt. Queen-st., Lincoln's-inn-fields. Feb. 3. *Trustees*, C. Lindsay, Warehouseman, Wood-st., Cheapside; P. H. Eade, Warehouseman, Manchester. *Sol.* Reed, 59 Friday-st.

Creditors under Estates in Chancery.

TUESDAY, *Feb.* 15, 1859.

ASHWELL, STEPHEN, Surgeon, late of Waddington, Lincolnshire (who died in or about the month of October, 1857). Ashwell *v.* Ashwell, V. C. Stuart. *Last Day for Proof*, Mar. 8.

ASTLEY, THOMAS, Shoemaker, Great Bolton (who died in or about the month of Nov. 1850). Astley *v.* Brown, V. C. Stuart. *Last Day for Proof*, Mar. 9.

ATON, CHARLES, Manufacturer & Cotton Spinner, Heaton Norris, Lancashire (who died in or about the month of Oct. 1846). Horton *v.* Brocklehurst, M. R. *Last Day for Proof*, Mar. 10.

DEAL, MARY ANN, Widow, formerly of 8 Spencer-st., Clerkenwell, but late of 14 Henry-st., Upper Kennington-lane (who died in or about the month of Jan. 1858). In re Deal, M. R. *Last Day for Proof*, Mar. 14.

GLOVER, WILLIAM, Hair Dresser, Manchester (who died on Aug. 31, 1857). In re Glover's Mortgage, Registrar of Manchester District. *Last Day for Proof*, Mar. 16.

GOLDSWORTHY, FREDERICK, 31 Denman-st., Kensington (who died about June, 1858). Goldsworthy *v.* Goldsworthy. *Last Day for Proof*, Mar. 16.

HEATON, JAMES, Gent., Everton, Liverpool (who died in Nov., 1848). Robinson *v.* Heaton and Others. *Last Day for Proof*, Mar. 15, at the Office of the Registrar of District Court of Liverpool.

HUDDLESTON, HENRY, Esq., Purse Canndle, Dorsetshire (who died in or about the month of Oct., 1858). Huddleston *v.* Huddleston, V. C. Kindersley. *Last Day for Proof*, Mar. 16.

JONES, THOMAS SIMON, Gent., Hastings (who died in or about the month of April, 1858). Dyson *v.* Dyson, M. R. *Last Day for Proof*, April 12.

MORRIS, VALENTINE, Wine Merchant, Retreat, Battersea, and St. Mary-at-hill, London (who died in or about the month of Nov., 1848). St. Clair *v.* Morris, M. R. *Last Day for Proof*, Mar. 14.

PAGEN, JOHN, Master Mariner, Liverpool (who died in or about the month of May, 1858). Wright *v.* Pagen, M. R. *Last Day for Proof*, Mar. 14.

PICKUP, MARK, Solicitor, Bradford (who died on or about Sept. 3, 1858). Thomson *v.* Pickup, M. R. *Last Day for Proof*, Mar. 10.

POWELL, JONATHAN, Corn Dealer, Upper Marylebone-st. (who died in or about the month of June, 1850). Powell and Others *v.* Heather and Others, V. C. Wood. *Last Day for Proof*, Mar. 4.

RIGG, JOHN, Yeoman, Littleborough, Rochdale, Lancashire (who died in Sept. 1853). Rigg *v.* Rigg, V. C. Wood. *Last Day for Proof*, Mar. 5.

RUSHTON, JAMES, Great Bolton, Lancashire (who died in 1835). Nightingale *v.* Rushton and Others, M. R. *Last Day for Proof*, Mar. 7.

SMALE, JAMES, sen., Farmer, Woodside, Croydon (who died in or about the month of Nov. 1854); also JAMES SMALE, jun., Farmer, of the same place (who died in or about the month of Feb. 1856). Worn *v.* Smale, V. C. Kindersley. *Last Day for Proof*, Mar. 11.

FRIDAY, *Feb.* 18, 1859.

BRITTLEBANK, JOHN, formerly of Ashborne, Derbyshire, afterwards of Newton Leys, Ashborne (who died in or about the month of Feb., 1851). Carrington *v.* Brittlebank, V. C. Wood. *Last Day for Proof*, Mar. 7.

CROSS, FRANCIS, Corn Merchant, Ely (who died in or about the month of Mar., 1857). Southwell *v.* Cross, V. C. Kindersley. *Last Day for Proof*, Mar. 12.

DANBY, HENRY, Hair Dresser, Nun-st., Newcastle-upon-Tyne (who died in or about the month of Sept. 1853). Danby *v.* Danby, M. R. *Last Day for Proof*, Mar. 14.

DICKERSON, ANN (wife of Thomas Dickerson, Hosier, Ipswich) (who died on or about Nov. 22, 1851). Gray *v.* Dowman, V. C. Kindersley. *Last Day for Proof*, Mar. 16.

DIX, CHRISTOPHER, 10 Claremont-row, Barnsbury-rd., Islington (who died on Dec. 21, 1857). Banting *v.* Baldwin, V. C. Kindersley. *Last Day for Proof*, Mar. 19.

DRINKWATER, JAMES, Cabinet Maker, Birkenhead (who died in or about the month of Jan., 1852). Drinkwater (an infant) *v.* Scott and Others. *Last Day for Proof*, Mar. 14.

GARLAND, JOHN, Wombwell, Yorkshire (who died in May, 1857). Goss *v.* Jenkinson, M. R. *Last Day for Proof*, Mar. 16.

GREGORY, MARTHA, Spinster, Stockton Heath, Appleton (who died in or about the month of Oct. 1850). Gregory *v.* Geddes, M. R. *Last Day for Proof*, Mar 15.

HATTON, SAMUEL BILBY, 3 Wilton-pl., Harleyford-rd., Vauxhall-rd. (who died in or about the month of Mar. 1857). Hatton *v.* Attorney-General, V. C. Wood. *Last Day for Proof*, Mar. 1.

HIRST, FRANCIS, Innkeeper, Northallerton, Yorkshire (who died in or about the month of July, 1837). Stubbs *v.* Tatin, V. C. Stuart. *Last Day for Proof*, Mar. 24.

LANCASTER, MARY WARRINGTON, Richmond (who died in or about the month of Nov. 1858). In re Lancaster, Grey *v.* Bensley, V. C. Stuart. *Last Day for Proof*, Mar. 21.

PRITCHARD, CHARLOTTE, Widow, Tewkesbury (who died in or about the month of Nov., 1854). Fryzer *v.* Payne, V. C. Kindersley. *Last Day for Proof*, Mar. 16.

SIMPSON, JAMES BROWN, Solicitor, Richmond, Yorkshire (who died in or about June, 1855). Simpson *v.* Lister & Others, V. C. Kindersley. *Last Day for Proof*, Mar. 25.

SKIGGS, ROBERT, Grocer, Doddinghurst, Essex (who died in or about Oct., 1858). Re Skiggs' estate, Marriage *v.* Skiggs, M. R. *Last Day for Proof*, Mar. 21.

THOMAS, WILLIAM, Gent., Talwinmaenog, Brecon (who died in or about May, 1856). Meredith & Another *v.* Palfrey & Others, V. C. Wood. *Last Day for Proof*, Mar. 8.

WATSON, HENRY, Gent., Birkenhead, Cheshire (who died in or about Sept., 1854). Watson *v.* Watson, Registrar for Liverpool District. *Last Day for Proof*, Mar. 21.

WATSON, RICHARD, Clerk, Queen's College, Cambridge (who died in or about June, 1857). Watson *v.* Watson, Registrar for Liverpool District. *Last Day for Proof*, Mar. 21.

Winding-up of Joint Stock Companies.

TUESDAY, *Feb.* 15, 1859.

UNLIMITED IN CHANCERY.

MEXICAN AND SOUTH AMERICAN COMPANY.—The Master of the Rolls will, on Feb. 24 at 12, at his Chambers, make a Call on the Contributories of £5 per share.

SAINT GEORGE BENEFIT BUILDING SOCIETY.—V. C. Kindersley will, on Feb 21, at 3, at his Chambers, make a Call on the Contributories of £3 per share.

FRIDAY, *Feb.* 18, 1859.

LIMITED, IN BANKRUPTCY.

MEXICAN AND SOUTH AMERICAN COMPANY.—The Master of the Rolls will, on Feb. 24, at 12, at his Chambers, make a Call on the List of Contributories of £5 per Share.

Scotch Sequestrations.

TUESDAY, *Feb.* 15, 1859.

ALEXANDER, THOMAS, Watchmaker, Castle-Douglas. Feb. 24, at 12; Douglas-arms-inn, Castle-Douglas. *Sec.* Feb. 10.

DE LORME, LOUIS, otherwise LOUIS BATGER (De Lorme & Co.), Commission Merchant, 6 Rood-lane, London. Feb. 16, at 1; Crow-hotel, George-sq., Glasgow. *Sec.* Feb. 11.

FREIR, ROBERT, & SONS, Woollen Manufacturers, Galashiels (R. Freir, sen., R. Freir, jun., J. Frier, G. Freir, & T. Freir). Feb. 18, at 12; Commercial-hotel, Galashiels. *Sec.* Feb. 11.

ROUGH, ARCHIBALD, sen., Upholsterer, Leith-walk, Edinburgh. Feb. 22, at 2; Kennedy's Ship-hotel, East Register-st., Edinburgh. *Sec.* Feb. 11.

FRIDAY, *Feb.* 18, 1859.

ERSKINE, DAVID LOW, Farmer, Drumkilbo, co. Perth. Feb. 22, at 12; Solicitors' Library-room, County-bldgs., Perth. *Sec.* Feb. 12.

EWING, JOHN DREW, Property Agent, 55 West George-st., Glasgow. Feb. 22, at 12; Faculty-hall, St. George's-pl., Glasgow. *Sec.* Feb. 14.

SIMPSON, ALEXANDER GRAY, Coal Master, Glasgow. Feb. 23, at 12; Faculty-hall, Glasgow.

WOODWARD *v.* WOODWARD.

TO BE SOLD, pursuant to an order of the High Court of Chancery, with the approbation of the Vice-Chancellor Sir John Stuart, by Mr. GEORGE HEMMING, at the CROWN HOTEL, in the City of WORCESTER, on the 3rd day of MARCH next, at FOUR O'CLOCK in the afternoon, a MESSUAGE and LANDS situate in the parish of Claine's and St. Martin's, in the County of Worcester, and near the Virgin's Tavern, known as the Kennels, respectively, and comprising a Brick Messuage, with out-offices, stables, with 3 loose boxes, coach house, &c., and kennels, brick built and slated. The pasture ground containing 1a. 1r. 9p., or thereabouts, a piece of garden ground adjoining, containing 2½ perches, or thereabouts, and a large pasture ground or orchard, well stocked with choice fruit trees, known as Littleworth Orchard, containing 4a. 2r. 10p., or thereabouts.

Particulars and conditions of sale may be had of Messrs. Hilliard, Dale, & Stretton, Solicitors, 3, Gray's inn-square, London; Messrs. Sawyer & Brettell, Solicitors, Staple's-inn, Holborn; Messrs. Ball & Hudson, Solicitors, Pershore; and of the Auctioneer. Dated this 8th day of February, 1859.

ROBT. W. PEAKE, Chief Clerk.

ADVOWSON OF TARRANT HINTON, Dorset.

MESSRS. DANIEL SMITH, SON, and OAKLEY, have received instructions to offer for SALE, at the MART, near the Bank of England, MARCH 23, the ADVOWSON of TARRANT HINTON, near Blandford, on the old turnpike road to Exeter, and in a delightful neighbourhood. The Parsonage is a modern Elizabethan erection, adapted for the residence of a good family. The glebe contains 83 acres, and the tithes have been commuted at £335 per annum. The present incumbent is in his 42nd year.

Further particulars will shortly appear; and information in the meantime may be had of Thomas Coombes, Esq., Solicitor, Dorchester; of Messrs. J. & W. Galsworthy, Solicitors, 12, Old Jewry Chambers; and of Messrs. Daniel Smith, Son, & Oakley, Land Agents and Surveyors, 11, Waterloo-place, Pall-mall.

LANDED ESTATES COURT, IRELAND.

IN the Matter of the Estate of the Right Hon. MARK, Earl of Antrim, Owner and Petitioner.

This is to give Notice that the Landed Estates Court, Ireland, has sold the lands of Larne Town Parks, Ballyloran, Antwille, Blackcave South, Greenland, Ballycraigy, Blackcave North, Ballymullock, Killyglen, Saint Cunning, Ballygilbert, Lisnahay North, Skeogh, and Dunteague, all situate in the Baronies of Upper and Lower Glenarm, and County of Antrim, formerly the estate of Anne, Countess of Antrim, and then of Sir H. Vane Tempest, and then of Edmund M'Donnell, Esq., and now lately of the Right Hon. Hugh Seymour, Earl of Antrim, and of the above Right Hon. Mark, Earl of Antrim; and that the draft schedule of incumbrances and claims, formerly affecting the said lands, is lodged with the Examiner of the Hon. Judge Hargreave; and all claims on foot of charges, incumbrances, or liens affecting the said lands not already filed, are to be filed in the office of the Clerk of the Records on or before the 14th day of March next, and every objection to any claim, filed or to be filed on foot of any such charge, incumbrance, or lien, is to be filed in like manner on or before the 7th day of April, after which days respectively no claim or objection will be received; and the said Examiner has fixed Tuesday, the 12th day of April, 1859, for finally vouching the said schedule, on which last-mentioned day all persons having filed such claims or objections are to attend before the said Examiner, at his office in Henrietta-street, for the purpose of making proofs in support of such claims and objections respectively, so that the amount due on foot of each claim, with its proper order and priority, may be ascertained; and no claim will be allowed of which sufficient proof shall not be made before the Examiner.

Dated this 14th day of February, 1859.

R. DENNY URLING, Examiner.

Davison and Torrens, Solicitors, having carriage of proceedings, 65, Lower Gardiner-street, Dublin, and Belfast.

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THE SOLICITORS' JOURNAL.

LONDON, FEBRUARY 26, 1859.

CURRENT TOPICS.

There seems a pretty general concurrence of opinion among those who have considered the subject, that the Bills of the Solicitor-General, if they are to pass into law, will require a good deal of emendation. The speech of the learned gentleman was lucid in the highest degree, and his general scheme may be practicable; but it appears that so many objections have been already urged against the details, and such serious questions have arisen as to the probable result of the measure in actual practice, that considerable modifications are meditated in committee. We have heard, on reliable authority, that representations made to the Solicitor-General have somewhat shaken him in his belief of the entire soundness of his plan; and it is not improbable that on the second reading he will intimate to the House his desire that the Bills should be thoroughly considered before a select committee. By a letter which appears in another column, it will be seen that Mr. Edward Webster is entirely agreed with ourselves as to the propriety of making the registry local as well as metropolitan, and Mr. Webster's experience in the subject makes his opinion valuable. The speech of Lord St. Leonards the other night shows that he by no means feels at ease respecting the measures which are before the other House; and though he naturally abstains from pressing his own party hard with hostile criticism, our greatest real property lawyer is, probably, little pleased in his heart that the first discussion of the subject is taken from the House which he must consider much the better fitted to pass judgment on the question.

When these Bills are relegated to a select committee, the profession throughout the country will have an opportunity for expressing any doubts and objections, either on their principles or their details. A few years since a registration Bill was passed through the Lords, and read a second time in the Commons. On its reference to a select committee, it appeared that the opinion of the great body of solicitors was opposed to its provisions; and, notwithstanding the favourable position to which it had reached, it was reported against by the committee, and summarily dismissed by the House. The profession have not since that time lost either their intelligence or their power, and a similar effort, if it should be thought necessary, will defeat at the present moment any evil measure. But opposition, to be successful, must be based on sound reasoning, and be conducted with temper and good sense. The arguments which will prevail with the public are not those of unmeaning clamour, or wild foolish personality. We lament, for the sake of the profession, the language which is used on this question elsewhere, because we fear that like an ill-directed missile it may glance aside, and harm solicitors in public esteem.

Lord Brougham has re-introduced his Bill to enable prisoners to give evidence in their own behalf, and has shown conclusively that the plan which he advocates has no affinity to the French system—the moral torture, as Lord Denman termed it — of questioning and cross-questioning the accused from the bench. Lord Brougham proposes, as we understand, that the prisoner should be allowed, at the end of the case for the prosecution, to give in evidence any facts in his own knowledge, which he conceives may tend to establish his innocence, or to rebut the statements made against him. Those who are conversant with criminal proceedings must remember many cases in which such a change of the law would have worked advantageously. Defending counsel are frequently in the habit of urging on the jury that the prisoner's mouth is closed, and that, were he permitted to address them, a different light would be thrown upon the evidence. Sometimes this is a well-founded argument; sometimes it is a mere declamatory appeal to an inexperienced jury, which is only advanced because the orator knows he cannot be taken at his word. In either case an obstacle is placed in the way of the efficient administration of justice. There are few cases in which the simple statement of an innocent man would not weigh strongly in his favour; and we believe that the enactment of this measure would be a great boon to persons unjustly accused. No doubt such an alteration in our criminal law requires cautious consideration, and for such Lord Brougham himself prays; but let the debate be fair as well as cautious, and let us hear no more of objections founded on mere fancy and invention. The complete success of the Evidence of Parties Act should warn us from hasty and prejudiced criticisms on any change in the law which has the effect of letting in additional light on an issue.

Among the numerous appointments by which Lord Chelmsford, since his accession to office a twelvemonth ago, has swelled the lists of borough magistrates, no solicitor is to be found; and his Lordship, we see, has intimated to the Birmingham justices, that in no case would his choice fall on any practising member of our body. It is difficult to understand on what grounds such a rule of exclusion is founded. At the close of last year our columns frequently showed the names of solicitors who had been elected by the suffrages of their fellow-citizens to the highest municipal office of their towns; and year by year these signs of public confidence are increasing. On what principle does the Chancellor maintain the doctrine that a man who is considered fit to fill the office of mayor, cannot properly be selected for that of borough magistrate? Such a rule is an unjust slight on our body, and the sooner it is vigorously protested against, and consequently repealed, the better it will be for the public. There are not so many men highly qualified for the duties of magistrates as to warrant the wholesale rejection of a class, which can furnish out of its members many eminently fitted for the position which is peremptorily denied them.

BANKRUPTCY LAW REFORM.

II.

After explaining what we consider to be the proper course of legislation, the first question with which we have to deal, and which meets us on the threshold of the inquiry, is, whether the distinction between bankruptcy and insolvency may not be safely abolished, and the estates of insolvent traders and non-traders administered under one uniform system. This is an important

point, and not so easy of solution as at first sight appears; but it is essential we should endeavour to come to a satisfactory conclusion upon it before proceeding further, and if we can answer the question in the affirmative, a great step has been made towards a complete simplification of the whole subject.

It has been said, that the distinction between bankruptcy and insolvency originated partly on feudal grounds, and partly from legislative accident; but we incline to think, that, in the state of society which existed when the first Bankruptcy Act was passed, it might reasonably be considered that there was no necessity to provide the discharge which bankruptcy gives, for any, but those who were subject to the risks of trade; hence arose an arbitrary distinction which has since been preserved. The insolvency laws, on the other hand, originated within a comparatively recent period, in a philanthropic desire to release poor debtors incarcerated in prison under the final process of execution; combined, it has been said, with a desire also to relieve the crowded state of the county gaols. The two systems have since been gradually approaching each other, and now have, in some respects, a quasi-concurrent jurisdiction, but there is this important distinction between them, that whilst the certificate in bankruptcy operates as a complete discharge from all proveable debts, the Insolvency Court only gives protection to the person, and the future property of the debtor is liable to the debts owing by him at the date of the insolvency. This property can only be reached through the Court, and it is the usual practice not to seize what may be acquired by the debtor's own industry, and only one-third of what he becomes otherwise possessed, so that the mode of procedure is in closer approximation to the principles of the bankruptcy law than the insolvency Acts in theory warrant.

Both the Bills before Parliament provide that traders and non-traders shall be equally entitled to a certificate, operating as a complete discharge from all their proveable liabilities, and the only objection which has been raised to this portion of the assimilation of the two systems fell from Lord Brougham, at the last meeting of the National Association, and was repeated by his Lordship on the introduction of the Government Bill. His Lordship considers it would be very unfair towards creditors that, where a non-trader, after obtaining his certificate, inherits an estate of £10,000 a year, it should not be charged with his previous debts. In reply to this, we may observe, that it is impossible to make provision for exceptional cases, which are not within the bounds of any sound principle, and that the spirit of the bankruptcy laws is to look only to the past conduct and transactions of the debtor; and we may remark, further, that creditors are by means of secret trusts so easily prevented from reaching property subsequently acquired, by gift or bequest, that no great loss is likely to arise from an alteration of the law. Again, if regard must be had to such an extreme case as the one put by Lord Brougham, provision must also be made for other exceptional cases, in which the apparent hardship upon creditors is equally great. There are many bankruptcies where the bankrupt never again engages in trade, but subsequently becomes entitled to property, by inheritance or devise, and it would give rise to a still greater anomaly if debtors of this class should be able to retain their future property discharged from their liabilities, whilst that of non-traders, who may have been equally, or more free from misconduct, remains liable to them. It may be that, generally, there is less excuse for the insolvency of the non-trader than the trader, but both classes are more or less subject to misfortune; and, in the present state of society, we do not think such a line of demarcation can be drawn between them, that two separate systems may be provided, both of which shall be fair and equitable.

After giving every consideration to the difficulty to which we have alluded, we think the most politic course is to abolish all legal distinctions between the two classes, leaving a wide discretion to the judges of the bankruptcy courts, who may, by suspension of certificate, with protection, place an insolvent non-trader in the same position as under the present law of insolvency after obtaining his discharge or protection; and if it be considered necessary to protect the debtor from any harsh proceeding at the instance of an individual creditor, provision might be made that property acquired after the application for certificate should not be seized by the assignees without the leave of the Court.

This is the debtor's side of the question. We must now look at it from the creditor's point of view; and in doing so, we must, on behalf of the trading community, protest against any provisions by which creditors of non-traders are deprived of remedies for enforcing their claims, to which they themselves are subject as debtors. Since the introduction into the bankruptcy law of provisions for obtaining a compulsory act of bankruptcy, the trader debtor summons has been often usefully employed for recovering debts, as auxiliary to the process of the Courts of Common Law; and one of the greatest grievances of which retail traders complain is, that they have been subject to this summary process, whilst they have had no corresponding remedy against their customers, a great number of whom are non-traders. Whilst conceding to non-trading debtors the benefit of the bankruptcy laws, Lord John Russell's Bill very properly gives their creditors the same remedies as they themselves are liable to, by providing simply that all debtors, whether traders or not, shall be subject to the provisions of the Act. On the other hand, the Government Bill only allows the process for obtaining a compulsory act of bankruptcy to be put in motion after judgment has been obtained. This is but a very slight improvement upon the first Bill, which, in effect, gave to non-traders the choice of being subject to the bankruptcy laws, or not, at their option; and we cannot suppose that provisions so partial and unfair towards the trading classes will be allowed to pass the House of Commons. We are accustomed to pride ourselves upon the equality of our laws, but what becomes of this uniformity, if by our law of debtor and creditor—in which, above all others (next to the criminal code), equality ought to prevail—immunities and privileges are granted to one class which are denied to another; the latter being admittedly more liable to those risks and misfortunes, which create an inability to discharge their obligations. We are quite prepared to admit that the present law operates harshly upon the honest non-trading debtor; but whilst releasing him from this hardship, we must be careful not to free him from liabilities to which, in justice, he ought to be subject.

The Courts, Appointments, Vacancies, &c.

COURT OF BANKRUPTCY.

Recent Bankruptcy Returns.—*Feb.* 23.

In reference to this subject, Mr. Commissioner Goulburn said, that *The Times* of this morning contained a return of certificates granted to bankrupts by the respective Courts of Bankruptcy. The matter was important, in consequence of the several questions connected with the bankruptcy laws being now under consideration. The returns as published were most incorrect. There was one statement which he thought it right to correct. It was stated that Mr. Commissioner Goulburn, in the course of the year 1857 and a portion of the year 1858, adjourned the examination of no less than 134 bankrupts sine die. When he saw this he was much surprised, because he never adjourned a bankrupt's examination sine die without the greatest reluctance. He had sent for the returns, and he found that the returns for five years had been taken as the return for one year only. Another extraordinary statement was, that in the period of time to which he had referred, Mr. Commissioner Fane had granted 574 certificates, while Mr. Commissioner

Holroyd had granted 60 only. It was evident that the figures had been taken at random. He wished it to be known, that any person desiring accurate information upon the subject could obtain it at the court.

The number of certificates respectively granted, &c., by the five Commissioners of this Court during the five years ending July 5, 1848, were as follow:—

By Mr. Commissioner Evans:—First-class certificates, 17; second-class certificates, 283; third-class certificates, 18; certificates suspended, 140; certificates refused, 9; adjournments of bankrupts' examinations sine die, 56.

By Mr. Commissioner Fonblanque:—First-class certificates, 31; second-class, 251; third-class, 177; certificates suspended, 134; certificates refused, 5; adjournments of examinations sine die, 49.

By Mr. Commissioner Fane:—First-class certificates, 161; second-class, 245; third-class, 169; certificates suspended, 40; certificates refused, 10; adjournments of examination sine die, 31.

By Mr. Commissioner Holroyd:—First-class certificates, 51; second-class, 230; third-class, 55; suspended, 152; refused, 10; adjournments of examination sine die, 134.

By Mr. Commissioner Goulburn:—First-class certificates, 47; second-class, 167; third-class, 48; suspended, 227; refused, 3; adjournments of examination sine die, 134.

FORM OF TAKING AN OATH.

In the course of a case in the Insolvency Court, on Wednesday, a lady was called to be sworn, and took the Testament with her glove on. The learned Commissioner told her to take it off, on which Mr. Reed remarked that a learned judge had decided that it was not necessary.

Mr Commissioner MURPHY said, he was aware that Mr. Baron Bramwell had so held, but he thought it was better to adhere to the old custom. The touch of the holy book was, in his opinion, to be by the naked hand, and they knew that when the knights were sworn they took off their gauntlets.

Mr. *Nichols* observed that it was always thought to be more respectful to take off the glove, and anything that would detract from the impressiveness was to be avoided.

The learned Commissioner quite agreed with the learned counsel.

APPLICATION UNDER THE DIVORCE AND MATRIMONIAL CAUSES ACT.

On Wednesday, a respectably-dressed female applied to Mr. Beadon, the sitting magistrate at Marlborough-street, under the following circumstances:—

She had separated from her husband by mutual consent about fourteen years ago, since which time she had had a situation, and had also lived with another man as his wife. She had acquired a little property, and she wished it protected, as her husband wanted a reunion.

Mr. BEADON said, he could not assist the applicant. If her husband had deserted her in the first instance he could have done so, but not in a case where a mutual separation had taken place. She could apply to the Court for Divorce and Matrimonial Causes if she thought proper, and see what they could do for her; but he did not think they could help her, as they were acting under the same law as himself.

THE HIGH BAILIFF OF SOUTHWARK.

The unexpected death of Mr. Pritchard, High Bailiff of Southwark, on Monday last, has left vacant a well-paid office, the duties of which are not very onerous nor very difficult of fulfilment. It is, perhaps, not generally known that the Corporation of the City of London, who, in ancient times, and in fact up to the passing of Sir R. Peel's Metropolitan Police Act, exercised exclusive magisterial and civic jurisdiction in the borough of Southwark, still possess that jurisdiction nominally, although deprived of it actually by the Act above referred to; and among their trans-Thamesian privileges is that of appointing and paying the High Bailiff. By virtue of that appointment Mr. Pritchard received an annual salary of 100 guineas, payable from the City's cash; and, in addition, he was entitled to certain fees attached to the office, and which, after deducting expenses and repayments, amounted in 1857 to the magnificent sum of 9*s.* 2*d.*, as appears from a return published by order of the Court of Common Council at the beginning of last year, making his total revenue as "High Bailiff of the Borough of Southwark" £105 9*s.* 2*d.* But the High Bailiff of the Borough of Southwark (or it was so in Mr. Pritchard's case) is also "High Bailiff of the County Court of Southwark for Surrey," and, in this capacity, Mr. Pritchard returned his net profits at £700; so that the total of the emoluments of the joint offices for 1857 was £805 9*s.* 2*d.* It is presumed that the two offices necessarily go together, and, if so, the appointment to both virtually rests with the Corporation; but the point is not very clear, and the Act which regulates the appointment of the High Bailiff of the Southwark County Court for Surrey may now for the first time be strictly interpreted.

The Court of Common Council have referred the matter to the Officers and Clerks' Committee, to examine into the nature of the duties and emoluments of the offices, and forthwith to report to the Court; Mr. H. D. Pritchard having been elected High Bailiff pro tem.

A circular, addressed to the Corporation, and signed Mr. D. W. Harvey, City Commissioner of Police, states that, in becoming a candidate for the situation of High Bailiff of Southwark, he is prompted solely by the desire to close the differences which have so long and unhappily prevailed; and that, could he see the way to their friendly and speedy adjustment, he would far rather retain his present office. If elected, he "should be prepared to resign his position as Commissioner of Police, upon such provision being made as should be warranted by the circumstances and a service of twenty years." It is very doubtful whether the Corporation, after having raised Mr. Harvey's salary only two months since £200 a year, will permit him to retire on two-thirds of his salary, to which he will be entitled, to enable him to accept another office, and take his place (as it is said he wishes) once more in Parliament, if he can find a constituency to return him.

DEATH OF MR. BAKER, THE CORONER.—On Tuesday night, at half-past ten o'clock, Mr. William Baker, coroner for East Middlesex, died at his residence, after a few days' illness. For some time past he had been suffering from a painful internal disease, but he continued to attend to his duties up to the Thursday before. The next day he was confined to his bed, and received medical attendance up to the time of his death. The deceased, who was highly respected, not only immediately in his district, but by all his friends, was elected to the coronership in September, 1830, after a severe contest of many days with Mr. Wakley, and which took place at a cost of several thousand pounds, the appointment being by election of the freeholders. He was born in the month of July, 1782, and was, therefore, in the seventy-seventh year of his age. Mr. Baker was for many years connected with the parish of Poplar, where he held some official appointment. Since his illness, his duties have been discharged by Mr. William Baker, jun., his son and deputy, and who is also coroner for the Tower Liberty. These duties, for a time, will be transferred to Mr. Wakley, coroner for the western division of the county.

SUICIDE BY A SOLICITOR.—On Thursday afternoon, between the hours of two and three o'clock, considerable sensation was created in Bartlett's-buildings, Holborn, in consequence of a determined act of suicide, committed by Mr. John Gilham, commissioner for affidavits for Kent, Surrey, Herts, and Canterbury. It appears that the unfortunate gentleman, who had been for some time in a very low and desponding state of mind, suddenly ran up stairs, threw open the window, and jumped from the third floor into the street. He was picked up and conveyed to St. Bartholomew's Hospital, where it was ascertained that his legs were so extensively fractured, that it was found necessary to perform amputation, besides an extensive fracture of the scull—from which injuries he died shortly after his admission to the hospital.

NEW MAGISTRATES.—By recommendation of the Lord Chancellor, the following gentlemen have been sworn in as magistrates of the county of Surrey:—George Gatty, Esq., Felbridge-park, East Grinstead; William Robinson White, Esq., Croydon; Charles Randall, No. 8, Duke-street, Southwark; G. E. Richardson, Esq.; and Thomas Rolles Hoers, Esq., Marlow House, Kingston-on-Thames. Sir Walter Ratcliffe Ferguson, Bart.; James Phillips, of Claremont Lodge, Brixton; John Jones, Esq., of Stanbro' Castle, Eden-bridge; Major Alfred Robert Margesy, of Churthen Park, East Grinstead; and Francis Henry Beaumont, Esq., were also sworn in.

A deputation, including most of the Parliamentary supporters of the measure, waited on Tuesday on the Bishop of London, to urge his Lordship to support in the Lords the Bill to legalize marriage with a deceased wife's sister. The deputation was introduced by Lord Bury, who earnestly urged upon the Bishop the social interests at stake in consequence of the present state of the law; and Mr. Spooner pointed out that the clergy in the

populous districts of Warwickshire found it quite impossible to prevent these marriages among the poor. Lord Bury pointed out that there would be no compulsion on the clergy by the passing of the Act, the marriage being a merely civil contract, unless where a clergyman chose voluntarily to add the benediction of the Church. The Bishop assured the deputation that he would give the question his most anxious attention. He had the views and feelings of the clergy of the metropolis to consult in such a matter, and he would take the earliest opportunity of ascertaining what those views and feelings were.

At the City Court of Common Council, on Thursday last, a motion was negatived for increasing the retiring pension to the late Town Clerk from £1000 to £1200 per annum.

Mr. Edwin James, Q.C., has been returned a member of Parliament for Marylebone by a majority of 3449 votes over his opponent, Colonel Romilly.

Notes on Recent Decisions in Chancery.

(By Martin Ware, Esq., *Barrister-at-Law.*)

Copyhold—Fines—Tenant for Life and Remainderman.

Carter v. *Sebright*, 7 W. R., M. R., 225.

The Master of the Rolls has in this case decided the practical question in what manner the fines on admission to copyholds ought to be borne, where trustees are admitted for the benefit of equitable tenants for life and remaindermen. He adopted the same rule as would have been adopted in the case of a legal tenant for life being admitted for the benefit of those in remainder—that is, that the fine should be apportioned between them according to the value of their interests, the tenant for life giving security that he would bear his share of the fine. An inquiry was directed as to the mode in which the money was to be raised and apportioned. (See Seton on Decrees, 272.)

Trustee Act—Appointment of New Trustees—Separation Deed.

Re Matthews, 7 W. R., M. R., 224.

In this case a petition was presented for the appointment of new trustees of a separation deed, the sole trustee of which had died. The husband employed counsel to oppose the appointment on the ground that the deed was invalid, but the Master of the Rolls refused to entertain that question, considering that it was the duty of the Court to protect the property of the persons entitled, whether claiming under the deed or against it. (See Seton on Decrees, 414.)

Equitable Waste—Pulling down Mansion House—Compensation.

Morris v. *Morris*, 7 W. R., L. J., 249.

This case does not advance the law of the Court of Chancery upon the question of restraining equitable waste; but it is important as defining the rights of the remainderman to compensation after the waste has been committed. A tenant for life, without impeachment of waste, pulled down a mansion-house, and built a better house in another part of the estate, using the old materials. That this was in itself a beneficial thing for the estate was not denied, but it seemed clear that it was, according to the doctrine of the Court, equitable waste; and on the remainderman applying for an injunction to restrain the tenant for life from cutting down the ornamental timber in the pleasure-grounds of the old mansion-house, the Vice-Chancellor of England granted the injunction, and his decision was affirmed by the Lord Chancellor (*Morris* v. *Morris*, 15 Sim. 505). Probably, therefore, if an injunction had been applied for before the new mansion-house was built, it would have been granted. The object of the present suit was to compel the tenant for life to account for the profits of the materials of the old mansion-house, and to give compensation to the remainderman in respect of them. The Court being satisfied upon the evidence that no substantial part of the materials had been sold, but that they had all been applied in building the new house, refused the relief sought; but it appears that the plaintiff would have been considered entitled to relief if the tenant for life had sold the materials for his own benefit, however large might have been the sum which he had expended on the new house, and however beneficial the building of it might have been to the estate. (See Eden on Injunctions, 213; 2 Spence's Equitable Jurisdiction, 571.)

Practice—Summons to vary Certificate—51st Order of 16th October, 1852.

Wycherley v. *Barnard*, 7 W. R., V. C. W., 254.

A little point of practice arose in this case which it seems remarkable should bear an argument. A chief clerk's certificate was signed by the judge, and filed on the 28th July. Within eight days, that is, on the 3rd August, the plaintiff took out a summons to vary the certificate, which was returnable on the 8th August. On that day the summons was ordered to stand over till the hearing on further consideration, when the defendant took the objection that as the eight days limited by the 51st Order of October, 1852, had expired before the summons was returnable, the certificate had become absolutely confirmed. The Court, however, held that the taking out of the summons in proper time was sufficient to prevent the confirmation of the certificate till the summons was disposed of. (See Morgan's Chancery Acts, 108; Smith's Chancery Practice, (Ed. 1855) 346.)

Fund in Court—Breach of Trust—Right to follow Fund.

Thorndike v. *Hunt*, 7 W. R., L. J., 246.

The question decided in this case related to the character of the possession which the Accountant-General has in a fund standing in his name, in trust, in a cause—whether, in fact, he holds it as a trustee for those who are best entitled to it, or only for the purposes of the suit in which it was paid in. The state of the case may be thus shortly given, though the facts were rather complicated:—Warwick Hunt was trustee of two sums of Consols for two separate families, named Thorndike and Browne. He sold out and misapplied the money of the Thorndike family; and a suit being instituted against him by that family, to call him to account for his trust, he admitted his liability, and an order was made that he should transfer £3253 Consols into Court. To discharge himself of this liability, he appropriated £3253 of the money of the Browne family, which he transferred to the Accountant-General in trust in the Thorndike suit.

The Browne family afterwards filed a bill to administer their own trust, and then presented a petition seeking to follow the fund, and praying that the Accountant-General might transfer it into the second suit for the benefit of the Browne family. It was, however, decided by the Lords Justices (reversing the decision of the Master of the Rolls) that the property in the fund was in the Thorndike family in the first cause; and that they were purchasers of it for valuable consideration; and they therefore refused the relief prayed by the Browne family.

It is observable that this question was not brought on by a fresh suit between the two families, but by petition in the two suits which had been instituted for the administration of their respective trusts—a course which the Court considered clearly irregular; but they decided the point on the merits because of its importance; "for," as *Turner*, L. J., observed, "no person would be safe if he could not get funds out of the court which had been paid in for his benefit without making inquiry as to whom the fund originally belonged." (See on the subject of following trust property Lewin on Trusts, ed. 1857, p. 753.)

Notes on Recent Cases at Common Law.

(By James Stephen, Esq., *Barrister-at-Law, Editor of "Lush's Common Law Practice," &c., &c.*)

I. IN BANC.

Bills of Exchange drawn by Directors.

Balfour and Others v. *Ernest*, 7 W. R., C. P., 207.

In this case the power of directors of joint stock companies to bind their shareholders by bills of exchange was discussed. It appears that there had been, in the present instance, some negotiation for the amalgamation of the A. company with the B. company, pending which the plaintiffs (who were creditors of the A. company) received from the office of the B. company the bill of exchange which was the subject of the above action for the amount of their claim against the A. company; and this bill was signed by two of the directors of the B. company, and sealed with the society's seal. The defendant's defence was, that the directors of the B. society could only bind that society by bills of exchange issued for its own proper purposes, and for carrying on its proper business, and that the bill in question was not such, but given in respect of the proper business of the A. society. To this it was answered, that the general partnership rule applied, viz. that a partner who has a general power

of drawing bills in the name of the firm, and who draws one for his private purposes, passes to a holder who receives the bill believing it to have been drawn for partnership purposes, a right to enforce payment thereof against the firm of the drawer. But the Court rejoined, that a distinction had in recent cases (and noticeably in the case of *Ridley* v. *Plymouth Grindery, &c., Company*, 2 Exch. 711) been taken on this point, between dealings with private firms, and those entered into with joint stock companies; and that, in transactions with the latter, the parties are taken, in contemplation of law, to have knowledge of the deed of settlement, though, in the case of the former, this presumption does not arise; and that, consequently, a bill of exchange drawn by the directors of a company in excess of their powers in that behalf, cannot bind the company to which such directors belong.

PRACTICE—INTERLOCUTORY COSTS—CA. SA., EFFECT OF.

Thompson v. *Parish*, 7 W. R., C. P., 210.

In this case, some questions arose with regard to interlocutory costs and the effect of a ca. sa. The facts, so far as material to raise these points, were, that the plaintiff in the above action had recovered against the defendant judgments to a large amount, under which he had taken the defendant in execution. The defendant, while in custody, applied to a judge to be discharged on the ground of certain irregularities in the judgments. These, the judge directed, should be amended, and also that the plaintiff should pay to the defendant the costs of the summons, &c.—which costs amounted to about £24.

A rule nisi was then obtained by the plaintiff (the amendments having been duly made and the defendant being still in custody) that he should be allowed to set off this £24 against the judgment debts he had recovered, instead of paying the lesser sum over to the defendant. The defendant, on the other hand, insisted that as the plaintiff had taken him in execution, the debts in respect of which the judgments had been obtained were gone, and that he was consequently entitled to immediate payment of the £24. In support of this view, the case of *Beard* v. *M'Carthy* (9 Dowl. 136) was especially pressed on the Court. There, *Littledale*, J., laid it down that a defendant was not bound to set off certain interlocutory costs against the amount of a judgment recovered against him in the same suit on which the plaintiff had taken him in execution—saying, "that taking the defendant in execution is the same as if the defendant had paid the debt and costs." Had this dictum been law, it would have decided the present case in favour of the defendant. But the Court unanimously expressed themselves of an opposite opinion to *Littledale*, J., on this matter, and said, that the true effect of taking a debtor in execution was that mentioned in *Foster* v. *Jackson* (Hob. 59), viz. that it is a binding election on the part of the judgment creditor as to his remedy, but not an extinguishment of the original debt so as to discharge collateral remedies, as for example, the obligation of a surety. The rule was consequently made absolute for setting off the £24; the Court further remarking that to come to any other determination would be to authorise an abuse of their process, by compelling a plaintiff to hand over to a defendant a sum smaller than the judgment recovered against him, which had accrued in the course of the same action as interlocutory costs.

The above decision does not interfere with the doctrine as to an attorney's lien on a judgment obtained by his client; as that lien has never been held to extend, so as to prevent A. B. (one of the parties to the action) from setting off against the general judgment he has recovered, any interlocutory costs due to C. D. (the other party) accruing in the course of the same action. (See Reg. Gen., H. T., 1853, Pr. re-enacting R. H. 2 W. 4, s. 93).

The effect of the decision, however, is to overrule the case of *Beard* v. *M'Carthy*, as well as all other authorities which are in favour of the proposition, that taking a defendant in execution goes farther than to bar the plaintiff from any other direct remedy. The overruling of the above case should be noticed in Chitty's Archbold's Practice, pt. i. c. xxvi. s. 13; and again in c. xxviii.

II. AT NISI PRIUS.

ATTORNEY AND CLIENT—RULE AS TO PROCURING INDEMNITY AGAINST DAMAGES.

Graham v. *Lawrence*, 1 Fost. & Fin. 285.

In this action the declaration stated that the plaintiff employed the defendant as an attorney to defend an action, provided a *sufficient indemnity* was procured against *all loss*, but that the defendant defended without obtaining such indemnity, and took an insufficient indemnity. A second count stated that in consideration that the plaintiff would retain the defendant as an attorney to defend an action, the defendant engaged to take reasonable care that the plaintiff should be perfectly guaranteed against all risk, but did not take such care.

The substantial contest in the trial of this action was as to the amount of the indemnity the defendant was bound to obtain under such an undertaking; and Lord *Campbell* said that, if an indemnity was obtained sufficient to cover such damages as could *reasonably* be anticipated as likely to be given against the plaintiff (who was sued as an official assignee, for seizing a ship, alleged to be the property of the bankrupt), together with the costs of the action, it was sufficient; and that the attorney was not liable for the damages actually given, if these should turn out to be extraordinary.

III. COURT OF CRIMINAL APPEAL.

LARCENY—PROSECUTION BY BAILEE OF THING STOLEN.

Reg. v. *Rowe*, 7 W. R., C. C. R., 236.

The prisoner in this case had been convicted of stealing iron, found in a certain canal, while in the process of being cleaned. The prisoner was not a servant of the company, and the question reserved was, whether the iron was, for the purposes of the prosecution, rightly laid in the indictment to be the property of the proprietors of the canal. The Court of Appeal held that it might be so laid; the property of the company in the iron before it was taken away, being of the same description as that which a landlord, with whom a guest has been staying, has in the goods of his guest which may have been left behind.

LIABILITY TO REPAIR ROADS.

Reg. v. *The Inhabitants of East Hagbourn Union*, 7 W. R., C. C. R., 236.

The defendants in this case had been convicted on an indictment charging them with the non-repair of a certain road. The road in question had been an ancient highway, but was altered by the commissioners of inclosure, under 6 & 7 W. 4, c. 115, and 41 Geo. 3, c. 109, the new road being described, and set out in the award. Since the award, the parish had, on certain occasions, repaired the road as altered, but had latterly allowed it to fall into bad repair; and the present prosecution was instituted against them on the ground that, according to the case of *Reg.* v. *Croklade* (14 Q.B. 735), it was beyond the power of the Inclosure Commissioners, by their award, to shift the burden of repairing a parish road. On the other hand, the defendants urged, that before their liability to repair the road as altered accrued, the commissioners were bound by law to obtain a certificate from the justices, that the new road was completed and in good repair, and that this certificate had never yet been given, which was fatal to the case of the prosecution. Ultimately the Court adopted this view, and quashed the conviction.

Parliament and Legislation.

HOUSE OF LORDS.

Friday, Feb. 18.

TRANSFER OF LAND.

Lord BROUGHAM presented a petition from the steward of the manor of Holme-Cultram, in the North of England, in favour of the Bill introduced by his Lordship, for applying to all kinds of land the same system by which copyhold lands are transferred, applying that system by local registration and plans and a central record of the index only, and not of the title or the deeds. He added, that he had this session presented a petition in favour of the Bill signed by all the magistrates and landowners in the counties of Cumberland and Westmoreland. He reminded their Lordships that a committee of their own House had reported that one of the greatest difficulties with which the landowners of this country had to contend was the state of the law of real property, which led to uncertainty, delay, and expense in the transfer of land, and a consequent depreciation of its marketable value. He also reminded them that the Master of the Rolls, in his examination before the committee, gave it as his deliberate opinion that if the law relating to the conveyance of land had been devised for the express purpose of making land not a marketable commodity, it could not have more effectually answered that end. He cited the statement of Mr. Fawcett, who has for thirty years been the steward of a manor, containing about 500 copyhold tenements, to the effect that in that manor, during the whole of that period,

there had never been one single dispute, not to say a lawsuit; in which manor for about 150 years they could trace the history of each tenement; and that, although the different tenements had over and over again changed hands by sale, mortgage, and devise, the whole expense of the conveyance in no single case had exceeded 7s., and the number of the words in the deed was under 200. Adverting to the Bill which has recently been introduced into the House of Commons by the Solicitor-General for facilitating the transfer of land, the noble Lord said, he regarded the speech of his honourable and learned friend, the Solicitor-General, in propounding that measure as an event in the history of our legislation, and in the history of the amendment of the law. The Bill which he (Lord Brougham) hoped at some future time to ask their Lordships to sanction would not be at all inconsistent with that of the honourable and learned Solicitor-General, but, on the contrary, he thought the two Bills might well go together. Some of the objections which had been raised against the measure of the honourable and learned gentleman did not apply to the Bill which he contemplated. Registration was a principal point in both measures, and the expediency, not to say the necessity, of some such provision became every day more apparent.

Tuesday, Feb. 22.

New Postal Regulations.

The Duke of Argyll called the attention of Lord Colchester to the inconvenience attending the new postal arrangements respecting unstamped letters.

Lord Colchester replied that all new arrangements were attended with inconvenience at first, but he had no doubt that in time the system now introduced would be found to work well and without inconvenience to the public.

Transfer of Land.

Lord St. Leonards drew the attention of the House to the report of 1857 of the Commissioners on Registration of Title, with reference to the sale and purchase of land. After some remarks on the excellence of our real property law, and the certainty of descent secured by it, his Lordship said, that a great many attempts had been made, and very properly made, to facilitate the sale of land and to simplify titles; a Bill with those objects was now before the other House of Parliament; but whatever plan might be adopted for the purpose of simplifying titles, it should always be borne in mind that a man must make out a title, and a good title, before he could ask to participate in the benefits proposed to be given to him by that kind of legislation. It was not a mode in which bad titles could be turned into good. Some persons thought that there was no distinction between them, and that land ought to be transferred as easily and as simply as a shop or £100 bank note. He denied that there was any analogy between the two kinds of property. The title to land must be as fixed and stable as the land itself, but other property was not of a nature to admit of so fixed a title. Take, for instance, 3 per cent. Stock; that was only an engagement on the part of the Government to pay so much money until the debt was redeemed. There was nothing tangible about it—nothing but a piece of paper. One estate was not quite the same as another, but one £1000 Stock was as good as another £1000. Lord Brougham, many years ago, appointed a commission, who made an elaborate report, which was succeeded by an equally elaborate Bill, in which the question of a general registry of deeds was brought before Parliament. That measure was not passed, but the question came before Parliament five times between 1830 and 1834. A subsequent reintroduction of the subject led to a commission, a report, and a bill, which passed the House and was sent to the other House. When the noble and learned lord opposite (Lord Cranworth) succeeded to the Great Seal, he also introduced a measure upon this subject. He (Lord St. Leonards) had been for thirty years a consistent opponent of a general registry, not because he objected to it in itself, but because he was convinced that the evils arising from it would more than balance the benefits to be expected from it. The Bill, however, passed their Lordships' House, but when it reached the House of Commons a great change of opinion had taken place, and they would not even look at it. Another Royal Commission was issued, and they unanimously rejected the idea of registration of deeds. The proposition of the commissioners of 1857 was a registry, not of deeds, but of title, and they were of opinion that it was fitting and desirable that power should be given to grant an indefeasible, or, as it was called, a Parliamentary title. They thought that upon a man submitting his title to a primâ facie examination he should be put upon a register as owner of the fee simple, but that he should not thereby acquire an indefeasible title, but that his title should remain subject to all the charges and equities attaching to it at the time of registration. The commissioners, however, thought that there might be cases where, under certain circumstances, a Parliamentary title might be conferred, and they proposed that when it had been shown that a title was good, the owner might obtain a warranty upon payment of a small premium to the country. Thus the country would open an insurance office for granting titles upon payment of money. If the plan of the commissioners of 1857 was adopted, there would be two sorts of owners—one without an indefeasible title, and the other with a Parliamentary title to be binding upon all men. He should next proceed to put their Lordships in possession of the grounds upon which the commissioners based their objections to the granting of a Parliamentary title to land. They said:—

"It would, we think, be oppressive either, on the one hand, to require claimants out of possession to come forward and make assertion of their rights in order to avoid losing them, or, on the other, to put the persons in possession to the defence of their rights as against any stale claims or assertions of right that might be set up. We do not think that, in order to pass from our present system to a register of title, it would be necessary to create a jurisdiction in commissioners applicable to all land, whether encumbered or not, similar to that of the Incumbered Estates Court in Ireland, by which an absolute or Parliamentary title to the land, subject to leases or tenancies, should be declared. On the contrary, we concur in the opinion that to make a judicial or quasi-judicial examination of title an indispensable preliminary to admission to register would greatly narrow the benefits of registration."

Such were the views of the commissioners on the subject; but there was one other passage in their report to which he wished briefly to call their Lordship's attention. It was as follows:—

"We think that a compulsory investigation of title, though only required as a preliminary to registration, would be highly objectionable, and we do not recommend it. It would involve, as has been pointed out in the evidence before us, the necessity of having every title to every acre of land thoroughly investigated by a competent judicial tribunal. It would be distasteful to landowners, who would be very reluctant to disclose their titles, and it would occasion the bringing forward of many stale and ill-grounded claims, would give rise to litigation, and would, when completed, be of no practical benefit to any, except to those who contemplated selling their estates. It is also to be borne in mind that many persons in quiet possession of land have bought it under special or restrictive conditions of sale, which have precluded them at the time of their purchasing from calling for strict or proper evidence of the title, and have limited them to some short period of the title in their investigation of it. It would, we think, be highly unjust to call upon persons in such a situation for strict and technical proof of their title, such as alone any public authority charged with certifying titles ought to be satisfied with."

The two passages which he had just read pointed out, he thought, very forcibly the difficulties by which the whole question was beset. The first point to be considered, in case indefeasible title were granted, was, by whom it was to be conferred. The commissioners were entirely opposed to the creation of a new court for the purpose; nor could they be more indisposed than he was himself to the adoption of such a course. He was, however, at the same time, bound to say that, if an indefeasible title were to be given, it appeared to him the Government was right in confiding the duty of granting it only to competent hands, and he should, under those circumstances, offer no opposition to the constitution of the proposed new court. He might also observe that he saw no reason why, if an indefeasible title could be granted by a particular court on the occasion of the sale of real property, it might not be conferred, although an immediate sale should not be in contemplation. With respect to the question of a register, he could only say that any register which should be established ought, in his opinion, to be metropolitan. The commissioners had, it was true, in dealing with the subject, recommended that it should be both metropolitan and local. They would give to the metropolis its own register, and would also have one constituted in each of the sixty or seventy localities throughout the country. The reasons, however, which had induced the commissioners to make such a proposition, and which were based upon the supposition that an indefeasible title to land was not to be granted, would have no existence if the Bill of the Government were

passed into law. In fact, it would be impossible under the operation of that measure to spread throughout various districts, as it were, a network of persons possessing that degree of knowledge and experience which, in order to carry its provisions satisfactorily into effect, it would be desirable to secure. As to the indefeasible title itself which it was proposed to give, he did not know how it could be granted with perfect safety; but he should briefly draw their Lordship's attention to the precautions which were adopted by her Majesty's ministers in order to guard against its being rashly confirmed. A person who desired an indefeasible title must apply to the new court, must furnish it with an abstract or evidence of ownership, and must prove to the satisfaction of the Court that he had been in possession for five years. This would occupy, say two months. Then it would be necessary to publish advertisements, and to post notices round about the property in question to apprise people that the owner had applied for an indefeasible title. That would occupy some time, and the Court would then, he supposed, address themselves to a solid, serious investigation of the title, and if they approved it they would make a provisional order that it should be deemed indefeasible at the end of twelve months, unless meanwhile an opposing claimant came forward. Here, then, would already be some sixteen months of delay. At the end of the twelve months all parties interested would be invited to attend, and if a final order were made in favour of the title that order must not operate until the expiration of three months longer, in order to give other claimants an opportunity of appealing. Thus nineteen months would be consumed before a final and imperative order was obtained. But an appeal was given to the Court of Chancery, which would perhaps occupy three months more; and after that there would be an appeal to the House of Lords, which could hardly occupy less than fifteen months; so that, if no impediment were presented, an indefeasible title could only be acquired at the end of sixteen months; while, if the right of appeal were made use of, the process might occupy some three years. When, too, they remembered that the new Court had the power of sending issues to be tried in a court of law, it was evident that the litigation might be, from first to last, as long and as complicated as under the old system. In instancing these difficulties, he must not be considered as finding fault with the plan which had been submitted, but only as showing what were the obstacles in the way of doing that which the Legislature were now attempting to do. And what was really proposed? Why, when an indefeasible title was applied for every man was to be called upon to come forward and oppose it. Fancy the alarm of an owner who found notices posted up at his gate inviting everybody who thought he had a claim to appear at such a time and such a place to prefer it, or otherwise to be for ever barred from doing so! This would be to rouse the sleeping lions who lurked round many men's estates, and to call forth every imaginable kind of claimant. Then it should be remembered that while the Bill would empower the owner to make every claimant come forward and make his claim, or else be for ever barred, there was no power by which the claimant could make the owner enter into litigation. But suppose that a man had acquired through the Court an indefeasible title. The main difficulty would then begin. No one must appear on the register unless as an owner in fee simple. Now, there would always be an ambiguity as to the character of the man who was put on the register as the first proprietor, because he might be the mere nominee of some one else, and might have no interest in the estate. Suppose a man became an owner in fee simple and was so registered, he might then wish to make a settlement of his estate according to the everyday practice; but in such a case he must come off the register, because, under the settlement, he would merely be the tenant for life. Some other person must then be named as the registered owner, and that nominee would have the right to sell the entire estate if he chose to do so. What, then, would become of the settlement? It would confer only an equitable estate, and those who took under it could not sell or lease, or do anything, except by virtue of their equitable title. The legal fee would always be vested in the registered owner. In case of encumbrances and settlements, a man interested in them must take care that there were caveats and inhibitions, or he might lose his property, and it might happen that, through the carelessness or dishonesty of a clerk, a caveat or inhibition would not be registered. Under such a system a man would not have that enjoyment of his property which he now possessed. Having gone thus far into the question, he would say no more than that the question was one of great importance as affecting the station and property of individuals, and he had but one object, which was to assist in pointing out the dangers which surrounded the matter.

Thursday, Feb. 24.

UNPAID LETTERS.

Lord COLCHESTER announced, in reply to Lord MONTEAGLE, that the recent Post-Office regulation respecting the transmission of unpaid letters has been rescinded.

LAW OF EVIDENCE IN CRIMINAL CASES.

Lord BROUGHAM laid upon the table a Bill, the object of which he stated to be to extend to defendants in criminal the privileges now enjoyed by those in civil cases of being examined if they chose. The change was one, he admitted, which, as introducing a material alteration in the law of evidence, ought not to be adopted without due deliberation; but he could not, at the same time, help thinking that the exclusion of defendants in criminal trials from the witness-box was based upon no solid reason. In ninety-nine cases out of 100 in which the Crown was the nominal, a private individual was the real prosecutor, and to contend that under such circumstances he might fairly be admitted to give testimony while his adversary was not allowed to say a word was, he thought, an anomaly. Now, it might be objected in the present instance, as it had been said in 1851, when a similar measure in reference to civil actions had been introduced, that the proposed change would tend to encourage perjury, and he should, therefore, wish to remind their Lordships of what had been in that respect the operation of the Bill of 1851. The fact was that, whereas the year before the passing of that Bill the number of commitments for perjury was 136, the number for a corresponding period after it had become law amounted to only 107. No good argument, under these circumstances, could, he thought, justly be drawn against the Bill which he had that evening to submit to the notice of the House from the results of the measure of 1851, and he trusted their Lordships would assent to its being read a first time.

Lord CAMPBELL and the LORD CHANCELLOR expressed strongly their opposition to the Bill; which was read a first time.

HOUSE OF COMMONS.

Friday, Feb. 18.

NEW MEMBER.

Mr. Whiteside took the oaths and his seat for the University of Dublin.

OCCASIONAL FORMS OF PRAYER BILL

Was read a third time and passed.

SALE OF POISONS BILL

Was read a second time.

MANOR COURTS (IRELAND) BILL

Was read a second time.

MEDICAL PRACTITIONERS ACT AMENDMENT BILL

Was introduced by Mr. WALPOLE, and read a first time.

BURIALS ACT AMENDMENT BILL

Was introduced by Mr. HARDY, and read a first time.

Monday, Feb. 21.

NEW MEMBER.

Captain Hanbury took the oaths and his seat for Leominster.

THE IRISH ARRESTS.

Mr. MAGUIRE gave notice that on an early day he would call the attention of the House to the mode of arrest, and the treatment of certain persons charged with treasonable practices in Ireland.

MAGISTRATES' CLERKS.

Mr. ADAMS asked the Secretary of State for the Home Department whether any report had yet been received from the commission of inquiry on the subject of fees to magistrates' clerks.

Mr. WALPOLE said, that he had only received a partial report at present from the commission of inquiry, and he thought it unadvisable to act until he received full information upon the subject.

CHURCH RATES.

Mr. WALPOLE, on introducing a Bill on Church-rates, stated, that he was about to propose, on the part of the Government, what he considered a just, moderate, and reasonable settlement of this question, which he believed to be the only practicable mode. The law as it stood was plain and clear; it imposed an obligation upon the parishioners of every parish to maintain the fabric of the parish church. On the other hand, the law had

its inconveniences, arising from the changes wrought by time and circumstances. Premising that these rates were a charge upon property, or upon persons in respect to property, from time immemorial, from the results obtained by the returns of 1852 and for the present year, it appeared that, while in 10,000 parishes the amounts contributed towards church fabrics by rate and by voluntary aid were nearly equal, the greater proportion of the landed proprietors liable to church-rates were Churchmen; showing that the plea of conscience was not a strong plea. The various schemes which had been proposed from time to time to remedy the grievance complained of under the existing law, including the proposition of Sir G. Grey and that of Mr. Puller, were all more or less liable to objection. The result was, that Parliament should reject all plans which would transfer the charge from the property now liable to it to property not at present liable; or which attempted to throw the obligation upon the public taxation of the country, or upon the revenues of the Church; and that it should set its face against all plans which, like that of Sir W. Clay, attempted to substitute for a legal obligation payment by means of pew-rents. The Government proposed to make the rate a landlord's rate, to enable the owners of land to charge it with a church-rate, extending the power to tenants for life, as well as owners in fee; to make incumbents and churchwardens corporations; and to make provisions for aiding this rent-charge by voluntary assistance. By this proposal the legal obligation which rested upon property to answer a debt to which it was justly liable was not abandoned. In order to relieve conscientious scruples, provisions would be made to exempt Dissenters from the rate; but persons claiming exemption upon such a ground would not be permitted to take part in vestry meetings for imposing a church-rate.

Lord J. Russell said, the measure was framed in a conciliatory spirit; but, with respect to that part of it which relieved from the payment of church-rates those who had conscientious scruples, it seemed to him that it changed the character of the Church of England, and did not maintain it as a national Church. It had always appeared to him, that the whole case of the Established Church was, that it was for the general advantage of the community at large; that the placing a minister of the gospel in a parish was a benefit, not only to Churchmen, but to those who dissented from the Church; and the practical effect of making a distinction between the two would be to keep alive ill-blood in parishes.

Mr. Mellor asked, what would be done with regard to those towns where church-rates were not levied.

The Bill was read a first time.

Bills read a Second Time.

Markets (Ireland) Bill; Lunatic Poor (Ireland) Bill; Medical Act Amendment Bill; Burial Places Bill; Lunatics (Care and Treatment) Bill; Lunatic Asylums Bill. The two latter were referred to the special committee on lunacy.

Local Assessments Exemption Abolition Bill.

Mr. S. Estcourt, in moving for leave to bring in a Bill to abolish general exemptions from local assessments, said, that the question was referred to a select committee last year, whose recommendations had been carried out by the Bill. The Bill would make public establishments now exempt liable to rates; public property to the amount of £2,000,000 would be brought within the compass of parocial rating. Taking the average annual rating at 2*s.* 6*d.* in the pound, the Bill would entail a yearly additional expenditure of not less than £250,000. But the principle of the Bill was an equitable one, and he hoped the House would sanction it.

Poor Law Guardians.

Mr. Estcourt brought in a Bill to define the period of limitation for payment of debts by boards of guardians, which the present law left uncertain. The Bill would empower boards of guardians in future to pay legally incurred debts within twelve months, and in certain cases the period might be extended to six months more.

Thursday, Feb. 24.

New Member.

Sir John Ramsden took the oaths and his seat for the West Riding.

High Sheriff.

A Bill was introduced by Mr. D. Griffith, for regulating the official expenses of High Sheriffs in England and Wales.

Trial by Jury in Scotland.

Mr. Dunbar moved for leave to introduce a Bill to amend an Act of the 17th & 18th years of her Majesty, for allowing verdicts on trials by jury in civil causes in Scotland to be received, although the jury may not be unanimous.

The Lord Advocate said, he had no objection to the introduction of the Bill. He understood a Bill of a similar nature had been, or was to be, introduced into the other House affecting the law of England; and he hoped his hon. and learned friend would postpone the future stage of this measure, as it would be inexpedient to predetermine the question on a Bill relating to Scotland, when another question might arise as regarded England.

Roman Catholic Oath.

Mr. J. Fitzgerald move that the House resolve itself into a committee to consider the 10 Geo. 4, c. 7, in relation to the oath thereby required to be taken instead of the oaths of allegiance, supremacy, and abjuration. His object was to strike out of the oath now taken by Roman Catholics certain passages, some of which were insulting, others unnecessary.

The motion was supported by Lord John Russell, and opposed by Mr. Walpole and Mr. Whiteside.

It was carried by 122 to 113.

The House went into committee, when

Mr. Fitzgerald moved that the Chairman be directed to move for leave to bring in a Bill to substitute an oath for the oath now taken by Roman Catholics.

This motion was carried by 120 to 105.

The Burial Places Bill

Passed through committee.

A BILL TO ESTABLISH A REGISTRY OF LANDED ESTATES.

Whereas it is expedient to establish a registry of land: Be it enacted—

Preliminary.

1. [Short title. "The Land Registry Act, 1859."]
2. This Act shall apply to England only.
3. Her Majesty may by Order in Council determine the time at which registration under this Act is to commence.

PART I.

Registration of Land.

Application for Registry.

4. A land registry shall be established, and every person entitled under the Landed Estates Act, 1859, to a final declaration that his title to any land is established, or to a conveyance by the Court of any land, may apply to the Court to be registered as proprietor of such land.
5. Upon hearing such application, the Court, instead of making a final declaration that the title of the applicant is established, or making a conveyance to the applicant, shall make an order directing the registrar hereinafter mentioned to enter the name of the applicant on the register as the proprietor of such land.
6. The order shall state the name and description of the applicant, and the lands in respect of which he claims to be registered, with the addition of the incumbrances, if any, affecting such lands, and such other matters as the Court thinks fit to insert therein.
7. The registrar, on such order being delivered to him, shall enter the applicant on the register as proprietor of the land in respect of which he requires to be registered, describing such land by the description contained in the order, and shall also enter notice of any lease or other incumbrance that may be mentioned in the order directing the registry.

Land Certificate.

8. On the entry of the name of the proprietor on the register, the registrar shall deliver to him a certificate, hereinafter called a land certificate, authenticated by the seal of the office, and signed by the registrar, stating the name of such proprietor, and the lands in respect of which he is registered, and referring to the charges or other incumbrances, if any, of which notice has been entered on the register.
9. Any land certificate shall be primâ facie evidence of the several matters therein contained.
10. If any land certificate is lost, mislaid, or destroyed, the Landed Estates Court may, upon being satisfied of the fact of such loss, mislaying, or destruction, direct a new land certificate to be granted in the place of the former one.
11. The registrar may, with the sanction of the Landed Estates Court, upon the delivery up to him of a land certificate, grant a new certificate in the place of the one so delivered up.

Estate of Registered Proprietor.

12. The following charges and interests shall not be deemed incumbrances within the meaning of this Act; that is to say,
    1. Tithe-rent charges;
    2. Rights of common, rights of way, watercourses, and rights of water and other easements;
    3. Rights of fishing and sporting, heriots, manorial rights of all descriptions, and franchises;
    4. Leases or agreements for leases for any term not exceeding twenty-one years, or for any less estate, in cases where there is an occupation under such leases or agreements;

and all registered lands shall be deemed to be subject to such of the above charges and interests as may be for the time being subsisting thereon, unless it appears by the register that they are exempt from all or any of such charges and interests.

13. Every owner who, instead of obtaining an order declaring his title to be established, is registered as the first proprietor of any land, shall hold

such land subject to the estates and equities subsisting thereon at the time of registration, but with such power as is hereinafter mentioned of conferring an indefeasible title on a purchaser for valuable consideration; and every purchaser who, instead of obtaining a conveyance by the Court of such land, is registered as first proprietor of any land contracted to be sold to him, shall hold such land for an indefeasible state in fee simple, subject to the incumbrances, if any, appearing on the register, and subject also to such charges and interests, if any, as are hereinbefore declared not to be incumbrances, and are not excluded by express words in the register, but free from all other estates, incumbrances, and interests whatsoever.

14. Where upon the first registration of the land notice of an incumbrance affecting such land has been entered on the register, the registrar shall, on proof being given to him of the discharge of such incumbrance, enter a memorandum of such discharge on the register.

Power to Mortgage Land.

15. The registered proprietor of any registered land may, by an instrument in writing under his hand, attested by one or more witnesses, and stamped in the same manner as if it were an unregistered mortgage, charge the same by way of mortgage with the payment of any principal sum of money, either with or without interest.

16. The instrument of mortgage may, or not, confer a power of sale, to be exercised after a time to be prescribed by the instrument; it shall be delivered to the registrar, who shall retain the same, and enter on the register the name of the mortgagee as the proprietor of such charge, and the particulars of the charge; upon such entry being completed, the registrar shall, if required, deliver to the mortgagee a certificate of mortgage, containing the particulars of the entry made on the register.

17. Where any land is charged, in pursuance of this Act, with the payment of any principal or interest monies, there shall be implied (unless words negativing such implication are contained in the entry on the register) a covenant on the part of the registered proprietor of such land, his heirs, executors, and administrators, to pay the money so charged, and the interest thereon, at the time and rate mentioned in the entry made on the register.

18. The certificate of mortgage shall be primâ facie evidence of the entry made on the register in respect of the matters mentioned in such certificate.

19. Any mortgagee may, if default is made in payment of any principal sum due to him, or of any interest on any principal sum, at the time appearing by the register to be appointed for payment thereof, enforce all such remedies against the mortgagor for the recovery of the money due to him, or for the foreclosure of the land, or otherwise howsoever, as he might have enforced if such land were not registered, or as near thereto as circumstances admit.

20. Any mortgagee under an instrument conferring a power of sale may, at any time after the expiration of the prescribed period, transfer the land on which he has a registered charge, or any part thereof, in the same manner as if he were registered proprietor of such land, with this qualification, that if there are more persons than one registered as mortgagees of the same land no subsequent mortgagee shall, except under the order of some competent court, sell the land, without the concurrence of every prior mortgagee.

21. No mortgage on land shall be registered unless the land certificate of such land is produced at the time of registry; and it shall be the duty of the registrar to record on the land certificate, when produced, notice of any mortgage created; but any omission to record the same shall not invalidate or affect the priority of any such mortgage.

22. Registered mortgages on the same land shall as between themselves rank according to the order in which they are entered on the register, and not according to the order in which they are created.

23. The registrar shall, on the requisition of the proprietor of any charge, or on the production of sufficient evidence that any charge or any portion thereof has determined or has been discharged, enter such determination or discharge on the register.

Transfer of Land.

24. Every registered proprietor of land may, by endorsement on the land certificate, or by such other instrument as the Landed Estates Court may from time to time direct, transfer such land or any part thereof to another proprietor: The instrument of transfer shall contain a statement of the purchase-money, if any, paid or agreed to be paid for such transfer, set forth in words at full length: it shall be attested by one or more witnesses, and stamped in the same manner as if it were a conveyance of unregistered land.

25. The instrument of transfer shall be delivered to the registrar, and retained by him, and he shall thereupon enter the name of the transferree as proprietor of the land comprised in the instrument.

26. Previously to completing the transfer of any land, the registrar shall give notice to the transferror of his intention to complete the same.

27. Upon completion of the registry of the transferree, the registrar shall deliver to him a fresh land certificate, stating the incumbrances, if any, subsisting on the land: He shall also, in cases where part only of the land is sold, deliver to the transferror a fresh land certificate, containing a description of the lands retained by him.

28. Any person registered as proprietor of land, in pursuance of a transfer made for valuable consideration, shall hold such land for an indefeasible estate in fee simple, subject to the incumbrances, if any, appearing on the register, and subject also to such charges and interests, if any, as are herein-before declared not to be incumbrances, and are not expressly excluded by the register, but free from all other estates, incumbrances, and interests whatsoever.

29. Every person registered as proprietor of land, in pursuance of a transfer made without valuable consideration, shall hold such land for an estate in fee simple, but subject as follows; that is to say, firstly, to the incumbrances, if any, appearing on the register; secondly, to such charges and interests, if any, as are hereinbefore declared not to be incumbrances, and are not expressly excluded by the register; and, thirdly, to any unregistered estates, rights, or equities subject to which the transferror held the same, but free from all other estates, incumbrances, and interests whatsoever.

Transfer of Mortgages.

30. A separate register shall be kept of mortgages, and every registered proprietor of any mortgage may, by endorsement on the certificate of mortgage, or by such other instrument as the Court directs, transfer such mortgage or any part thereof to another proprietor: The instrument of transfer shall contain a statement of the purchase-money, if any, paid or agreed to be paid for such transfer, set forth in words at full length: it shall be attested by one or more witnesses, and stamped in the same manner as if it were an assignment of an unregistered mortgage.

31. The instrument of transfer shall be delivered to the registrar, and retained by him, and he shall thereupon enter the name of the transferree on the register as proprietor of the mortgage comprised in the instrument.

32. Previously to completing the transfer of any mortgage, the registrar shall give notice to the transferror of his intention to complete the same, and the transferror shall be deemed to remain a proprietor of such mortgage until the name of the transferree is entered on the register in respect thereof.

33. Upon completion of the registry of the transferree the registrar shall deliver to him a fresh certificate of mortgage.

Transmission of Land and Mortgages.

34. On the death of the registered proprietor of any land, such person shall be registered in the place of the deceased proprietor as may, on the application of any person interested in the land, be appointed by the Landed Estates Court.

35. On the death of the registered proprietor of any mortgage, the executor or administrator of such deceased proprietor shall be entitled to be registered in his place.

36. Any person appointed by the Landed Estates Court, or any executor or administrator, when registered in the place of any deceased proprietor of any land or mortgage, shall hold the land or mortgage in respect of which he is registered in trust for the persons and purposes to which it is applicable by law, but he shall, for the purposes of any transfer, be deemed to be absolute proprietor thereof.

37. Upon the insolvency or bankruptcy of any registered proprietor of any land or mortgage, his assignees shall be entitled to be registered in his or her place.

38. The husband of any female proprietor of land shall be entitled to be registered as co-proprietor with his wife of such land.

39. Where land is registered in the joint names of husband and wife, no registered disposition of such land shall be made until the wife has been examined by the Landed Estates Court, or some officer authorised by it, apart from her husband, and has assented to such disposition, after full explanation of her rights in the land, and of the effect of the proposed disposition.

40. The assignees of any bankrupt or insolvent proprietor shall hold the land or mortgage in respect of which they are registered, subject to the equities upon and subject to which the bankrupt or insolvent held the same, but they shall, for the purpose of any transfer, be deemed to be absolute proprietor thereof.

41. The fact of any person having become entitled to any land or mortgage in consequence of the death or bankruptcy or insolvency of any registered proprietor, or of the marriage of any female proprietor, shall be proved in such manner as the registrar may from time to time direct.

General Provision.

42. The following rules shall be observed with respect to registry:

1. No notice of any trust, implied, express, or constructive, shall be receivable by the registrar, or entered upon the register:
2. Upon the occasion of the registry of two or more persons as proprietors of the same land or of the same mortgage, an entry may, with their consent, be made on the register, to the effect that when the number of such proprietors is reduced below a certain specified number, no registered disposition of such land or mortgage shall be made by the survivor or survivors, except with the sanction of the Landed Estates Court:
3. The Landed Estates Court may, upon the application of such survivor or survivors, or of any persons beneficially interested in the land standing in his or their name, fill up any vacancy or vacancies that have occurred in the number of registered proprietors, and cause a transfer of the land to be made to the new proprietors jointly with such surviving proprietor or proprietors, or make such order in the premises as the Court thinks just:
4. No alteration shall be made in the registered description of the parcels, except upon the requisition of all persons appearing by the register to be interested in such lands, and upon the production of such evidence as the registrar approves:
5. The registrar shall not be compelled to recognise any description of any parcel other than the registered description:
6. Where the description by which any parcel was originally registered is altered, each proprietor shall be re possible for the identity of such altered parcel with the parcel as originally described.

43. For the purpose of authorising or compelling a transfer to be made of any registered land or registered mortgage, the Landed Estates Court may exercise all such powers as are vested in the Court of Chancery by the Trustee Act, 1850, or by any Act amending the same, in relation to transfers of stock.

44. [Suppression or misrepresentation of any deed, &c., relating to a title, to be misdemeanour.]

PART II.

Effect and Protection of Unregistered Dispositions.

45. The registered proprietor alone shall be entitled to transfer or charge property by a registered disposition; but any person, whether the registered proprietor or not, having a sufficient estate or interest in registered land, may, by any unregistered lease, settlement, will, or other instrument, create the same demises, estates for life, estates tail, or other estates and interests, as he might have created if this Act had not passed; and any lessee or other person entitled to or claiming any right in such estates or interests may protect the same from being impaired by any act of the registered owner, by entering on the register such notices, cautions, inhibitions, or other restrictions as are hereinafter-mentioned; but, subject to any notices of leases, no purchaser for valuable consideration of any registered land or registered interest in land shall be affected by any notice, express, implied, or constructive, of any unregistered disposition.

Notice of Leases.

46. Any lessee or other person entitled to or interested in a lease or agreement for a lease of registered land, where the term granted exceeds twenty-one years, or where the occupation is not in accordance with such lease or agreement, may apply to the registrar to register notice of such lease or agreement, and when so registered the registered proprietor for

the time being of the land, and every person deriving title through him, excepting mortgagees under mortgages registered prior to the registration of such notice, shall be deemed to be affected with notice of such lease or agreement.

47. In order to register notice of a lease or agreement for a lease, if the registered proprietor does not concur in such registry, the applicant shall deposit with the registrar the original lease, or a copy thereof, and shall prove to the registrar his title to register such notice, and thereupon the registrar shall make a note in the register of the principal estate identifying the lease so deposited, and the lease so deposited shall be deemed to be the instrument of which notice is given; but if the registered proprietor concurs in such registry, notice may be entered in such manner as may be agreed upon.

48. The registrar shall keep a list of all persons who have given notices of lease. Every person whose name is entered in such list shall be deemed to be the holder of the notice in respect of which he is registered; and no notice shall be removed except with the consent in writing of the holder for the time being of such notice.

49. In the event of the death of any holder of a notice, his personal representative, in the event of his bankruptcy or insolvency his assignees, and in the event of the marriage of any female holder of a notice her husband, shall be entitled to be registered in the place of the holder so dying, becoming bankrupt or insolvent, or marrying; but such registry shall not be made, except upon the production of such evidence of title as may be required by the registrar, and any person whose name is so registered shall have all the rights of the person in whose place he is entered.

Caution.

50. Any person interested under any lease, settlement, will, or other unregistered instrument, or by devolution in law, or as a judgment creditor, or otherwise howsoever, in any land or mortgage registered in the name of any other party, may lodge a caution with the registrar, to the effect that no dealing with such land or mortgage be had on the part of the registered proprietor until notice has been served upon the cautioner.

51. The caution shall be supported by an affidavit in such form as the Court directs, stating the nature of the interest of the cautioner, and such other matters as may be required by the Court, and containing the name and address of the cautioner, and also some place within the metropolis where he may be served with notice.

52. If, after any such caution has been lodged in respect of any land or mortgage, application is made to the registrar to register any dealing with such land or mortgage, or any part thereof, the registrar may refuse to do so, upon the ground that a caution has been lodged, of the particulars of which he shall inform the applicant, and shall forthwith serve notice on the cautioner, informing him of the application, and warning him that his caution will cease to have any effect after the expiration of twenty-one days next ensuing the date of such notice; and after the expiration of such time as aforesaid the caution shall cease, unless an order to the contrary is made by the Landed Estates Court, and upon the caution so ceasing the land shall be dealt with in the same manner as if no caution had been lodged.

53. Notice may be served on the cautioner, either personally or by leaving the same, or sending it through the post in a registered letter, addressed to the cautioner, at the address given by him in the metropolis, and such notice shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post.

54. If before the expiration of the said period of twenty-one days the cautioner, or some other person on his behalf, appears before the registrar, and enters into a bond, with sufficient security, conditioned to indemnify every party against any damage that may be sustained by reason of any dealing with the land being delayed, the registrar may thereupon, if he thinks fit so to do, delay registering any dealing with the property for such further period as he may think fit.

55. In the event of the death of any cautioner his personal representatives, in the event of his bankruptcy or insolvency his assignees, and in the event of the marriage of any female cautioner her husband, shall be entitled to notice in the place of the cautioner so dying, becoming bankrupt or insolvent, or marrying.

56. Where two or more cautions are lodged with respect to the same land or to the same mortgage, the cautioners shall, as between themselves, have priority according to the dates at which their cautions are lodged, and not according to the dates of the creation of the claims in respect of which they have lodged such cautions.

57. If any person lodges a caution with the registrar without reasonable cause, he shall be liable to make, to any person who may have sustained damage by the lodging of such caution, such compensation as may be just, and such compensation shall be deemed to be a debt due to the person who has sustained damage from the person who lodged the caution.

Inhibition.

58. The Landed Estates Court may, upon the application of any person interested, made in such manner as the Court directs, issue an order inhibiting for a time, or until the occurrence of an event to be named in such order, or generally until further order, any dealing with any registered land or registered mortgage.

59. Previously to making any such inhibitory order as aforesaid, the Court shall make such inquiries as to the circumstances of the land in respect of which the same is made, and of the parties interested therein, either as incumbrancers or otherwise, and direct such notice to be given, as it thinks necessary, to enable it to form a judgment as to the expediency of making such an order, and shall hear by themselves, their counsel or agents, any persons interested in such land who may apply to them to be heard.

60. The Court may make or refuse any such order, and annex thereto any terms or conditions it may think fit, and discharge such order when granted, with or without costs, and generally act in the premises in such manner as the justice of the case requires; and the registrar, without being made a party to the proceedings, upon being served with such order, or an official copy thereof, shall obey the same.

61. Where the registered proprietor of any land or mortgage is desirous for his own sake, or at the request of some person beneficially interested in such land or mortgage, to place restrictions on transferring or otherwise dealing with such land or mortgage, such proprietor may, upon application to the registrar, direct that no transfer shall be made of such land or mortgage, or of any part thereof, unless the following things, or such of them as he may prescribe, are done (that is to say);

Unless notice of any application for a transfer is transmitted by post to such address as he may specify to the registrar:

Unless the consent of some person, to be named by such proprietor, is given to the transfer:

Unless some such other matter or thing is done as may be required by the applicant and approved by the registrar.

62. The registrar shall thereupon make a note of such directions on the register, and no transfer shall be made except in conformity with such directions; but it shall not be the duty of the registrar to enter any of the above directions, except upon such terms as to payment and otherwise as the registrar may, with the sanction of the Landed Estates Court, direct, or to enter any restriction that the registrar may deem unreasonable, or calculated to cause inconvenience; and any such directions may at any time be withdrawn or modified at the instance of the registered proprietor for the time being, and shall also be subject to be set aside by the decree or judgment of any competent court,

Appeal.

63. The Landed Estates Court may review, rescind, or vary any order made by it in pursuance of this Act; and any person aggrieved by an order of such Court may appeal to the Court of Appeal in Chancery, in such manner, within such time, and subject to such regulations and limitations, as the Landed Estates Court and the Lord Chancellor may prescribe; and any order made by the Court of Appeal in Chancery on appeal from the Landed Estates Court shall be subject to reversal or modification by the House of Lords, in the same manner and with the same incidents on and with which orders made by the Court of Appeal in Chancery in cases within the ordinary jurisdiction of such Court are subject.

PART III.

Office of Land Registry, and Miscellaneous.

64. An office, to be called the office of land registry, shall be established in such place in the metropolis as the Commissioners of her Majesty's Treasury may direct, and the business of such office shall be conducted by a registrar, such number of assistant registrars, not exceeding three, and such clerks, messengers, and servants as the Lord Chancellor may fix, with the consent of the Commissioners of her Majesty's Treasury.

65. [Registrar and assistant registrar to be appointed by the Lord Chancellor; clerks, &c., by the registrar].

66. [Salary of registrar, £1000 a-year; assistant registrars, £500].

67. [Lord Chancellor may order pensions for retiring officers].

68. [Quarterly payment of superannuation allowances].

69. [Office of registry to have a seal].

70. [Registrar to frame and promulgate forms of application, &c.]

71. [Registrar not to be liable in respect of acts done or omitted bonâ fide].

Fees.

72. The Landed Estates Court shall, with the assent of the Lord Chancellor, determine the amount of payments to be made to the registrar with respect to the following matters:—

The first entry on the register of land and of incumbrances on land;

The registry of transfers and transmissions of land and mortgages;

And the Landed Estates Court may, with the like consent, from time to time alter any amounts so determined, but all payments mentioned in this section shall be paid into the receipt of her Majesty's exchequer, and carried to the account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

73. In determining the amount of fees payable in respect of registration under this Act, regard shall be had to the following matters:—

1. In the case of the registry of land or of any transfer of land on the occasion of a sale,—to the value of the land as determined by the amount of purchase-money;
2. In the case of the registry of land, or of any transfer of land not upon a sale,—to the value of the land, to be ascertained in such manner as the Court by any General Order directs;
3. In the case of registry of a mortgage or of any transfer of a mortgage,— to the amount of such mortgage:

Subject, nevertheless, to the qualifications following:

1. The amount of fees payable shall not in any case exceed per cent. on the value of the land or the amount of mortgage debt:
2. A maximum amount shall be fixed, and in cases where the value of any land or the amount of any mortgage debt exceeds such maximum the Court may make payable in respect of such excess fees on such a reduced scale as the Court thinks expedient:
3. Where increased labour is thrown on the registrar by reason of the severance of the parcels of an estate, the entry of a new description of parcels, or of any other matter, an increased sum may be charged.

74. [Rules as to collection of fees.]

75. [Former Stamp Acts to apply to stamps issued under this Act.]

76. The Landed Estates Court may from time to time fix a scale of costs to be paid to persons, other than officers of the office of registry, in respect of any service rendered by them in any matter coming within the cognizance of such office; and it may from time to time alter any such scale when fixed.

Forms.

77. The forms in the schedule hereto shall be used in all matters to which they refer: The Landed Estates Court may from time to time make such alterations in such forms contained in the schedule hereto as it deems requisite: It shall publish any form, when altered, in the *London Gazette*, and upon such publication being made it shall have the same force as if it were included in the schedule of this Act.

Inspection of Register.

78. Subject to such regulations as may be imposed, and to the payment of such sums as may be fixed by the Landed Estates Court, with the assent of the Lord Chancellor, any person registered as the proprietor of any land or mortgage, and any person authorised by any such proprietor, or by an order of the Landed Estates Court, but no other person, may inspect and make copies of and extracts from any register or document in the custody of the registrar relating to such land or charge.

Forgery.

79. [Forgery of seal, &c., to be felony.]

Schedule.

Form of Land Certificate.

Dated the day of

I hereby certify, that A. B. is the registered proprietor of the lands de-

cribed in the schedule annexed to this certificate, and that such lands are free from incumbrances [*subject to the incumbrances hereinafter mentioned*].

C. D., Registrar.

Form of Mortgage.

Dated the day of

I, A. B., being registered proprietor of the lands described in the accompanying land certificate, hereby charge the same with the payment of ten thousand pounds to John Jones, with interest thereon, at the rate of five pounds per centum per annum, payable to the said John Jones, or his assigns, on the first of January and the first of July in every year; but no covenant to pay such principal or interest is to be implied on my part. The said John Jones shall have power to sell the land at the expiration of six months from the day of .

Witness . A. B.

Form of Certificate of Mortgage.

Dated the day of

I hereby certify, that John Jones is entitled to a charge of ten thousand pounds on the lands described in the schedule annexed to this certificate, and that interest is payable to the said John Jones on the first day of January and the first day of July in every year, at the rate of five pounds per cent. The said John Jones has a power to sell the land at the expiration of six months from the day of (but no covenant to pay the principal money or interest is to be implied on the part of the registered proprietor).

C. D., Registrar.

Form of Transfer of Land.

Dated the day of .

I, the within-named A.B., in consideration of seven hundred pounds paid to me, transfer to C.D. the within-mentioned lands.

Witness . (Signed) A.B.

Form of Transfer of Mortgage.

Dated the day of .

I, the within-named John Jones, in consideration of ten thousand pounds this day paid to me, hereby transfer to John Smith the within-mentioned charge.

Witness . (Signed) JOHN JONES.

Ireland.

DUBLIN, THURSDAY.

THE LAND TRANSFER AND REGISTRY BILLS.

It is impossible to read over Sir Hugh Cairns' Bills without coming to the conclusion that they are framed with a cautious endeavour to avoid untried and dangerous ground, and to adopt as far as possible, the results of actual experience. A less prudent legislator might have proposed to withdraw all dealings with land from the ordinary courts, and confide them to some new tribunal, regardless of the axiom that confidence is a "plant of slow growth." Such a proposition would have been equally obnoxious to the owners of land and to the lawyers. As the Solicitor-General's scheme stands, none but voluntary suitors will have recourse to the Court to be charged with the investigation of title; and as few persons take steps of that kind without the advice of their lawyers, the amount of business transacted by the Court will depend altogether upon its "good behaviour," and consequent popularity with the profession. The chief distinction between this proposed court and its Irish prototype is, of course, the facility with which creditors could always proceed in the latter, to compel payment of their incumbrances. The Solicitor-General, than whom no man knows more of both Irish and English law, doubtless considers that no such increased facilities are called for in England. The reformed practice of the Court of Chancery contrasts favourably with the state of things existing in Ireland in 1849. At the same time it is to be remembered that most incumbrancers on land in England are armed with powers of sale, which were, until very lately, unknown in Irish conveyancing. For these and other reasons it is plain that no Incumbered Estates Court is required in England. It is also plain to those who take the trouble to consider the subject, that a court where owners of land can have their titles investigated, and judicially renewed, is just as much required in one part of the United Kingdom as in another. Hence this plan for creating a tribunal ready to inquire into such titles as the landowners may choose to submit for inquiry, and empowered after making proper inquiries, and giving ample notice, to create a new root of title, beyond which it can never again be necessary to inquire.

Two very important questions now arise, for resolving which it will be well to recur to the experience which the profession in Ireland have already acquired—for we know of no other method of answering them. Firstly, What effect has this plan of conferring Parliamentary titles on the ordinary conveyancing business of the country? Secondly, How far does a metropolitan court injure the country practitioners by centralising business?

The first of these questions is very easily answered. Conveyances, mortgages, and settlements, are found to be somewhat shorter than they formerly were, for the old recitals are now rendered unnecessary by the creation of a new and recent starting point. Indemnities against outstanding incumbrances, and covenants for the production of title deeds, are also, to a great extent, superseded. On the other hand, the number of deeds of all kinds prepared and executed, has very greatly increased. The simplification of title has induced a very large number of persons who never before dreamed of becoming landowners, to become so. Mercantile men who had, as a class, a horror of special conditions of sale, and lengthy abstracts of title, and preferred other and more facile modes of investment, are now attracted into the land market. Farmers and tenants anxiously compete for the ownership of the soil, in which want of opportunity, and not want of inclination, has hitherto prevented them from having a more lasting interest than a short lease, or a yearly tenancy. In the vicinity of towns numerous plots have been parcelled out for building, each with its separate deed of conveyance to a separate owner, whose subsequent dealings of course give rise to fresh conveyancing. These are but a few of the ascertained results of freeing land from complications of title, and rendering a long retrospective inquiry on every dealing unnecessary. Did any doubt remain as to the increased transfer of transactions arising out of the ownership of land, it would be removed by a reference to the statistics of the Registry of Deeds Office. That institution, faulty as it is, is at least of some use in proving the increased number of transactions involving registered deeds; and it is an ascertained fact, that the number of such deeds has doubled since 1850, when estates first began to pass through the Incumbered Estates Court, and to get, so to speak, into general circulation. Our conclusion is, that it is as clearly for the advantage of the profession as it is for the public good, that estates should be capable of being easily transferred from hand to hand, and should be also capable of easy subdivision into smaller properties.

Secondly, if a Landed Estates Court be created at all, it must almost of necessity be a metropolitan one. It is true that bankruptcy and county courts are located in the provinces; but the reasons for their being so located do not apply in the present case. The personal attendance of the suitor can hardly be required for any purpose in connection with the proceedings of a Court whose only function is the adjudicating on his title. All the proceedings and all the proofs are documentary, and can be as well prepared in one place as in another. Perhaps it might with some reason be contended that the Court of Chancery tends to neutralise legal business, as many of the steps taken, and documents made use of in the progress of the suit, are of such a character that they must be entrusted to the town agent. When, for instance, the hearing comes on, the country solicitor can render little assistance. All papers drawn or revised by counsel must also be excluded from the list of matters which can be done in the country. But the steps to be taken in a Landed Estates Court to obtain a declaration of title are essentially different. Counsel's advice may possibly be desired in the progress of the matter, but his services as draftsman are not required. The petition (the initiatory step) can best be prepared by that solicitor who has most intimate knowledge of the title and circumstances of the property. It may be sent up in a perfect state to be placed on the file of the Court. The notices then to be served and published simply follow a form sanctioned by the Court, and are advertised both in provincial and metropolitan journals. The chief document made use of, the abstract of title, may, of course, be prepared in the country. No provincial solicitor in Ireland would think of delegating the preparation of it. When completed, it is verified by affidavit before a master extraordinary, by whom it is (as are affidavits generally) sealed up, and transmitted to the proper officer of the court. The observations and queries made by the Court in the abstract are replied to and explained in like manner. The evidence used in support of the abstract—title deeds, statutory declarations, and certificates—are sent up to be lodged in court and examined. If a sale of the estate be contemplated, it may be, and frequently is, ordered to take place in the nearest large town, before a local auctioneer, by whom the biddings are transmitted to the Court for confirmation.

It must be clear, from what has been stated, that a provincial solicitor, desirous of conducting a Landed Estates Court proceeding, can do so with perfect facility. He can do almost everything but attend at the court to take directions, &c.; and the documentary business, for transaction of which he (probably the regular family solicitor), is the best fitted, can be carried on no better in the metropolis than elsewhere. Such a court, be it remembered, is not one for trial of disputed questions, for briefs, hearings, and examination of witnesses. There

are comparatively few meetings or attendances in court. The investigation of title is the principal and exclusive function; and the perfectness of the abstract is the main point to be attended to by the practitioner.

So well is this understood in Ireland, that in an ex parte proceeding (and Sir H. Cairns proposes to allow none but ex parte proceedings) the share of the work falling to a town agent is very small, compared with his share of ordinary business in chancery or common law. We do not assert that the major part of the cases in the Irish court are conducted by country solicitors; but we assert confidently, that where a country solicitor has, from his acquaintance with the title, or from any other cause, been engaged to prosecute a petition in that court, he has invariably been able to do so with complete facility, and without being under the necessity of delegating any material part of the work to his town agent. Of course, no statistics are to be obtained on such a question; but we do not hesitate to say that the average proportion of the costs of a proceeding in the Irish court, which would fairly fall to the town agent, on a division made simply in respect of the work done by each, would not exceed ten per cent. of the entire; and considering that the abstract, and the proofs in support of it, constitute, by far, the largest item in every bill. We believe that this is overstating the share of work falling to the town agent. In point of fact, agents are remunerated either by a division of profits, as in England, or by a small annual salary or allowance; but this mode of arrangement, of course, leaves the proportions unaffected. It will not be necessary to say any more on this point than this—that whatever apprehensions may be entertained by the persons, there is not the slightest ground for any on the part of the country solicitors; for we have proved by reference to existing facts, and to those only, that the country solicitor can himself procure a suitable title for his client without the intervention of any other person, except so far as some attendances, and other merely formal steps, may require it. Some further remarks on these Bills must be reserved for a future occasion.

ADDRESS OF THE SOLICITORS TO BARON PENNEFATHER.

On Saturday last a large meeting of the attorneys and solicitors took place, in the reading-room of the solicitors' building, Four Courts, for the purpose of presenting an address to the venerable Baron Pennefather. Mr. Goddard, as president of the Council of the Incorporated Society, addressed his Lordship in suitable terms, and expressed his gratification at being made the medium of presenting an address signed by eight hundred attorneys and solicitors. The address was as follows:—

Sir,—The attorneys and solicitors of Ireland deem it a privilege to be permitted, on your retirement from the bench, which you so long adorned, to express their unfeigned admiration of your public and private character, and the pre-eminent talent, strict impartiality, and unshaken independence with which you have, for more than half the space of man's allotted term, discharged the various duties of the high office which you have now resigned. You retire, Sir, from public life full of years, in possession of that clear and powerful intellect for which you have been always remarkable, now freed from judicial labour, with full leisure to enjoy undisturbed contemplation of a better state of existence; and knowing that in your retirement you can look back with unalloyed satisfaction on the distinguished course which a good Providence has enabled you for so long a period to pursue, you can rest satisfied that you have done your duty to your country. In conclusion, we respectfully assure you that, although withdrawn from public life, your name will not be forgotten, and that the urbanity and courtesy with which you have at all times treated the members of our profession, will be ever gratefully remembered.

The learned Baron returned the following reply, which was read by his nephew, E. Pennefather, Q.C.:—

To the Attorneys and Solicitors of Ireland.

Gentlemen,—I receive with much gratification this expression of your continued kind feeling towards me. On a former occasion you came forward to tender to me your meed of approbation and esteem, and, at the same time, you expressed your desire that I might remain in the station I had even then so long filled. My inclination as well as my duty led me cheerfully to comply with the wish expressed by you in a manner so complimentary to myself. It has pleased the Almighty hitherto to allow me to discharge the duties of my station, you kindly say, with unimpaired strength and vigour. Nevertheless, I have thought that the time has at length arrived when, with gratitude to Him from whom all good flows, I should resign that trust which He has so long permitted me to hold, and if I have seemed to merit your approbation and regard, I must, in the first instance, give Him thanks, while I repeat to you the expression of satisfaction that I feel at your address, coming from such a body as the attorneys and solicitors of Ireland, adopted by them with so much unanimity, and authenticated so as to record the name of every individual who has thus honoured me. I cannot conclude without adverting in the warmest manner to the sense I entertain of the zealous co-operation you have at all times afforded me in the discharge of my official duties, maintaining efficiently the true interests of your clients, and showing the greatest deference to the Court, and to me personally.

Baron Pennefather then bade farewell cordially to Mr. Goddard and the rest of the assembly, and the proceedings terminated.

Scotland.

EDINBURGH.

Court of Session.—First Division.

Panton v. *Graham.*

Panton of Garthamlock desires to have the tenant of one of his coal mines removed from a pit which he had agreed to give up within two years, that it might be sunk deeper in order to work lower seams of coal. Graham was to have £500 from Panton to pay for the digging of a new pit to allow him to have access to his mine. Panton, about the middle of the two years, gave Graham notice that his lease had expired, and informed him that he carried on operations at his own peril.

The Court held that Panton could not found upon the *mutual* contract to the effect of turning Graham out of the pit at the end of the two years, as he had not fulfilled his own part of it, he not having paid the £500, and by giving his tenant reason to fear that his lease was invalid, made his position such that no prudent man would have gone on with the digging of the new pit, which had to be finished before he could give up the old one.

Second Division.

Presbytery of Paisley v. *Lyell.*

The law-agent of the presbytery of Paisley had a cousin named Robert Clunie, who used to lend him money occasionally. The South church of Paisley being in want of funds, Clunie, at the request of his cousin, advanced £190 to the presbytery, and had the church transferred to him by a disposition ex facie absolute, but really, it is alleged, to be held in trust. The presbytery paid back the £190 to their law-agent, but before he could pay it over to his cousin, and have the church reconveyed to the presbytery, his cousin died of cholera. The presbytery has raised a declarator of trust, and the law-agent swore that it was held in trust by his cousin, and that he received a back letter from him which he had lost. The Court held that the only proof of competent trust by the Act 1696, c. 25, being the writ or oath of the trustee, that the church belonged to Clunie's heirs, and not to the presbytery.

Outer House.—Lord Benholme.

The Rev. Mr. M'Millan, Free Church minister of Cardross, was, by the last General Assembly of the Free Church, suspended from the office of the holy ministry sine die, for being seen several times in a state of intoxication, and for offering to make improper advances to a blacksmith's wife. The evidence against him was considered very defective; and he applied for interdict to prevent the Church from carrying out the sentence of suspension. Lord Ordinary Kinloch refused the interdict, and the Assembly being sitting at the time, the notice of application for interdict was presented. Dr. Candlish moved the question be put to Mr. M'Millan, as to whether he had applied to the civil court; and on his answering, "Yes," instantly moved that he be deposed, which was done. He has raised actions of reduction of both the sentences of deposition and of suspension, and has called for the production of these sentences, that they may be reduced. Lord Benholme has held that the Free Church is not bound to satisfy the production; and that *quoad* the pursuer's status as a minister of that Church, the jurisdiction of the Assembly is supreme, and not subject to any civil court in respect that, by the fundamental principles of the Free Church, as established in their deeds, and other standards to which Mr. M'Millan had given his personal adherence, all matters of ecclesiastical discipline are referred to the final sentence of the General Assembly, as the body entitled exclusively to adjudicate upon them; and finds that its members are bound to submit to such final sentences, and not to bring them in question before any civil court.

The Provinces.

Birmingham.—*The New Magistrates.*—The Lord Chancellor, on the requisition of the Town Council and the Borough Justices, has added eleven magistrates to the commission of the peace for this borough. It will be recollected that eight gentlemen were nominated by the Council, and ten by the Justices. Of the Council nominees three only have been appointed; viz. the Mayor, and Aldermen Sturge and Cox. Of those nominated by the Justices eight have been selected; viz. Messrs. J. Armitage, T. Lane, S. S. Lloyd, C. R. Cope, Brook Evans, W. Gough, Westley Richards, and Samuel Rawlings. The reasons which have influenced the selections and the rejections are

alike inscrutable. The majority are Tory, as might be expected from a party Chancellor like Lord Chelmsford, but the motive seems to be dislike to the principle of popular nomination, rather than any particular political bias. In reference to the representation made to the Lord Chancellor in favour of Alderman Hawkes and Hodgson, that functionary has stated that the mere taking out of an annual certificate to practise as a solicitor is his test of a disqualification for the office of magistrate, no matter what may be the kind of business to which he confines his practice.—*Daily Post.*

Cheshire.—*Proposed Removal of the Assizes.*—At the adjourned quarter sessions, held at Knutsford, on Tuesday last, Mr. Mainwaring, the deputy chairman, gave notice of a motion which he intended to lay before the magistrates. to the effect that two gaols in the county of Chester being unnecessary, it is expedient that Chester Castle should be discontinued as a prison for criminal offenders; that Knutsford Gaol be the only county prison and House of Correction; and that the assizes and quarter sessions be held at Knutsford only. Mr. Mainwaring proposed that the motion should be brought before the notice of the magistrates on the first day of the next Michaelmas sessions, when a larger attendance of magistrates might be expected. The notice was ordered to lie on the table.—*Manchester Guardian.*

Gloucestershire.—*The late William Vizard, Esq.*—In our obituary a few weeks ago was recorded the decease of a remarkable man, in whom the county of Gloucester claims an interest. We are, therefore, led to offer some reminiscences of the career of William Vizard, Esq., of Little Faringdon, Berks, and formerly of 51, Lincoln's-inn-fields, who departed this life on January 15th, 1859, in his 85th year. He belonged to an age and class now nearly passed away, who distinguished themselves and rose to eminence in their sphere of life through singular ability, and the circumstances of the times in which they lived. Descended from an old family at Dursley, where his father practised as a solicitor during a long life, and himself the second of three sons brought up to the legal profession, Mr. Vizard was sent to London, after finishing his education at the College School at Gloucester, and articled to a respectable solicitor in Gray's-inn, where he afterwards took chambers and commenced practice on his own account in the like profession. An adjoining set of chambers was then occupied by the late Mr. Creevy, M. P., with whom Mr. Vizard accidentally became acquainted; and this circumstance appears to have opened the way to his future prosperity. Having allied himself to the Whig political party, he was employed in conducting the case at the bar of the House of Commons against the famous Orders in Council issued in retaliation for Buonaparte's Berlin decrees. He also acquired a great reputation for conducting contested elections, and carrying them afterwards, when their results were disputed, through Parliamentary committees, and was much employed in Parliament in the business of disfranchising some of the old boroughs in Cornwall and elsewhere, while his general practice increased at the same time to a considerable extent. During the Regency, before the Princess of Wales quitted England, he was appointed her solicitor, and on her return to this country as queen, after the accession of George IV., it devolved on him to conduct her Majesty's defence in the famous trial before the House of Lords which followed the introduction of the Bill of Pains and Penalties by the Prime Minister. On this important occasion, Mr. Vizard exercised such professional skill and indefatigable industry as tended in no small degree to the successful result with which his efforts for his royal client were ultimately crowned; and he was the first to announce the withdrawal of the Bill, from the balcony of the House of Lords, to the assembled crowds, who were waiting the result with impetuous excitement, threatening even to break open the doors of the building. On the accession of the Whigs to office in 1830, he was immediately offered by Lord Chancellor Brougham the office of Secretary of Bankrupts, previously filled by a barrister, and then producing emoluments to the amount of about £2500 a-year. The first duties of his office were to co-operate with his Lordship in entirely remodelling the jurisdiction of bankruptcy in London, causing a considerable diminution in the expense of administering bankrupts' estates, and a permanent reduction of the income of his own office to about £1200 a-year; and also in establishing the system of official assignees, as a remedy to the evils so loudly complained of connected with the management of bankrupts' estates by creditors' assignees only. The Lord Chancellor's Secretary of Bankrupts was always changed with the ministry, and Mr. Vizard, therefore, went out with the Melbourne Administration, but he was again appointed to the office on the return of the Whigs to power, when the great seal was put in commission, and twice afterwards reappointed by two successive chancellors, Lords Cottenham and Truro. He was thus four times made Secretary of Bankrupts, a distinction to which none, probably, in his branch of the profession ever before attained, and ultimately resigned the office, when increasing age made him feel that the time had now arrived for diminishing his labours. During the period he held this office, he was also appointed to fill another, which was created by the Whig Government, that of solicitor to the Secretary of State for the Home Department. This office was afterwards considered unnecessary, and a debate took place in the House of Commons on the subject, during which members on both sides of the House spoke of Mr. Vizard in the most flattering terms. He then resigned, though contrary to the advice of some of his Parliamentary friends. It may be mentioned, that it was through his influence and exertions the town of Dursley was made the place of election for the Western Division of Gloucestershire, for which he was afterwards presented by the town with a gold snuff-box. He was on more than one occasion offered a seat in Parliament, but declined the honour, on the ground that it would interfere too much with his professional duties. After a long life, spent in conducting a most extensive business with great zeal, promptitude, and ability, and with the highest character for rectitude and integrity, numbering among his clients some of every rank in the nobility, and many of them becoming his personal friends, he ultimately withdrew from business a few years ago, and spent the remainder of his days in cheerful and tranquil retirement at his seat at Little Faringdon, enjoying the pursuits of country life, to which he had always been much attached. His remains were removed thence to his native town, Dursley, on Friday, the 21st January, where they lie interred with those of his ancestors.—*Bristol Mercury.*

Liverpool.—*Sale of Poisons Bill.*—The Liverpool Chemists' Association held a meeting, on Thursday evening, Feb. 17, when many of the provisions of the proposed Government Sale of Poisons Bill were strongly denounced as harsh, useless, and insulting. The following resolution was ultimately agreed to:—"That the council of the association be instructed to represent to the Government that certain modifications in the present Bill would, in their opinion, render it the least objectionable yet proposed; but that they consider that the thorough education of drug vendors is the only protection against accidents from poisons."

Orton.—*The Simony Case.*—The Bishop of Carlisle delivered judgment in this case, in the Consistory Court, Carlisle, on Monday. His Lordship pronounced the Rector of Orton, the Rev. F. P. Wilkinson, guilty of the offence charged, and condemned him in the costs of the proceedings, but he held that the patron was the more blameworthy of the two, and condemned his conduct in strong terms.

Preston.—*Alleged Defamation.*—It is said that the next assizes at Liverpool will furnish a trial for defamation of character likely to be of some interest in Preston and its neighbourhood. The defendant is a clergyman, noted for his zeal and vehemence in the propagation of Protestantism, and his opposition to other religious systems. The plaintiff was, formerly, one of his disciples,—a young man who, a few months ago, was removed to a college to be trained to the work of the ministry. It is alleged that reports injurious to the character of plaintiff have been circulated by the defendant, and have led to his ejection from the college. Two clergymen were believed to be implicated in the affair, and writs served upon both, but the proceedings against one have been withdrawn. The second action, however, we are assured, will go for trial.—*Preston Guardian.*

Worcester.—At the City Quarter Sessions, the Rev. W. English took the oaths on his induction to the vicarage of Broadway. It is rather rare for a country clergyman to qualify before a city court, but the incumbent derives this advantage—he pays a fee of 2*s.* 6*d.* only, whereas he would have been called upon to pay two guineas if he had qualified at the county sessions.—*Worcester Chronicle.*

It transpired yesterday afternoon that the appeal made by the official manager of the Tipperary Bank against the judgment recently given in the Landed Estates Court in favour of the London and County Bank had been dismissed with costs. This confirms the right of the latter establishment to the lands in dispute, and the event must be regarded with satisfaction by the shareholders.—*Observer, Feb.* 18.

Communications, Correspondence, and Extracts.

REGISTRATION AND TRANSFER OF TITLES TO REAL ESTATE.

To the Editor of The Solicitors' Journal & Reporter.

Sir,—As in your Journal of to-day you invite communications on the Solicitor-General's two Bills, I venture, as a member of the bar, who has paid great attention to the subject, to offer a few remarks for the consideration of the legal profession, and which I trust may, through your Journal, reach also some members of the Legislature.

There is a radical defect in the principle of the Solicitor-General's measure; (I treat the two Bills as one;) it is this: that there are no local registries contemplated by it. For transfers and mortgages of registered titles, it is essential for public convenience that there should be provincial registries; but a Parliamentary title ought to be obtainable in the Metropolis only, under the supervision and responsibility of a registrar-general, who for that purpose should be selected from among the most eminent of the conveyancing counsel in practice, with a salary equal to that of a Vice-Chancellor, inasmuch as his judicial functions would require equal, if not greater, ability and learning; indeed, it is difficult to imagine a more anxious office than that of declaring an indefeasible title on a voluntary application.

The Solicitor-General's measure is further defective, inasmuch as it is confined to the registration of fee-simple titles. There is no sound reason why, for the purpose of transfer on a registry, *and for that purpose only*, any title to land should not be registered under a non-Parliamentary title. Why should not a tenant for life have liberty to elect a registry for the future transfers of his life estate, instead of a succession of deeds of conveyance? Make a registered title transferable on a registry *only*, and on production of the certificate of registration to the registrar, and of a contract at its foot, attested by a statutory declaration of the solicitor to the intended transferrer and the solicitor to the intended transferree that the contract has been entered into, not only is there a perfect security against fraud, but the public would have a simple and cheap mode of local transfer; and the transferree would have no occasion whatever to investigate the title, except up to the date of the first registration of it.

If in every county town a registry on this principle were established, with parochial land registry books for every parish in that county, doubtless many country solicitors would advise their clients to resort to it; and such registry might receive the Parliamentary title when established in the metropolis, and the subsequent transfers of that title might afterwards be made on the local registry.

The Solicitor-General's measure is, moreover, wrong in principle, investing, as it does, the Landed Estates Court — or rather the registrar—with judicial functions, co-equal with those of the Court of Chancery (sect. 33—Title to Landed Estates Bill); whereas, unless the Legislature is prepared to supersede the jurisdiction of the other courts, the Landed Estates Court ought, except for the single purpose of declaring a Parliamentary title, to be purely a ministerial court—ministerial to the Court of Chancery, in the same manner as the Accountant-General of that court—ministerial to the public, in the same way as the Bank of England.

If local registries were established, and the production to the registrar of the certificate of registration were made an indispensable condition precedent to a transfer or to a first registered mortgage, it is obvious that such certificate, accompanied by the previous title deeds, would, when deposited as a security for money, be a perfect equitable mortgage; whilst mortgagors, by being furnished with an office copy of a first registered mortgage, could always have power to effect a registered second, or other subsequent registered mortgage, with ease and expedition. There seems to be no such provision made by the Solicitor-General's measure.

I cannot take up more of your valuable columns. Suffice it to say, that if both a metropolitan registry, and local registries, for the registration of titles to land, were established, with proper machinery for effecting registered transfers, and registered mortgages, not only would country solicitors have a large increase of conveyancing business, but the public would be benefited in the highest degree. Such machinery, if wanted, is forthcoming; but, having listened to the Solicitor-General's speech, I am able to say, confidently, that Sir H. M. Cairns and the Government are still on their hands and knees with regard to the registration of titles to land.—I am, Sir, yours very obediently,

9, Old-square, Lincoln's-inn, Feb. 19, 1859. Edward Webster.

THE MARRIAGE LAW.

To the Editor of The Solicitors' Journal & Reporter.

Sir, — There is a very interesting article in the present number of the *Quarterly Review*, on the improvements of the Patent Law, and on the great facilities now afforded to patentees and professional men for inspection and examination of the treasures of art in the Patent Office; but concluding with a woful picture of the inconveniences patentees and others are put to in the miserable offices allotted for the purpose, and the narrow space in which ingenious men are now necessarily "cribbed, cabined, and confined," in the researches they have to make as to past inventions and discoveries.

Surely the allocation of suitable new offices for patentees, in whose success we have so great an interest, should add some weight with Government in inducing them to erect appropriate law courts and registry offices, in substitution for those now in the keeping of the Master of the Rolls.—I am, Sir, yours respectfully,

A Patentee.

February 24, 1859.

Societies and Institutions.

METROPOLITAN AND PROVINCIAL LAW ASSOCIATION.

By a report recently laid before the managing committee, it appears that during the last long-vacation, and prior to the very successful and agreeable meeting which was held in Bristol, in October, the towns of Manchester, Preston, Oldham, Skipton, Colne, Halifax, Wakefield, and Huddersfield, were visited by the secretary. These annual gatherings in various parts of the country, besides their many other advantages, afford very valuable opportunites to the provincial members of the association for exercising an important and beneficial influence upon the operations of the managing committee. They also, in general, lead to a considerable accession of new subscribers. In the last long-vacation no fewer than seventy gentlemen joined the association.

Among the questions upon which the opinion of the committee has been requested, is the following, which arose under the Probate and Administration Rules and Orders, and in which the point raised was, how the ad valorem fee ought to be dealt with in the settlement between the country practitioner and his London agent? The committee was of opinion that the fee ought to be shared like any other professional fee.

The committee have also had their attention drawn to the fact, that some of the army agents are in the habit of recommending the friends of deceased officers to apply to proctors on matters of probate, instead of to their own private solicitors. The committee were of opinion that this evil would probably be put an end to as the public became gradually aware that solicitors are, equally with proctors, entitled to practise in the Probate Court.

The committee have issued their usual annual circular for the benefit of the members, giving a general account of the legislative results of the last sessions of Parliament.

The Bills recently presented to the House of Lords by Lord Campbell, "For the Prevention of Vexatious Indictments for certain Misdemeanours," and "For the Amendment of the Law concerning Jury Trial in Civil Causes," have been considered by the committee, and certain amendments having been suggested to Lord Campbell, a resolution to support the Bills has been agreed to.

Important alterations have also been suggested in Lord St. Leonards' Bill to amend the Law of Property and to relieve Trustees, which has also been brought under discussion; and the committee have put themselves in communication with the provincial societies with the view of ascertaining the opinions of the profession generally upon the subject. The matter is again to be brought before the committee at the next meeting.

The Lord Mayor, Mr. E. Pickslay, of Wakefield, secretary of the Wakefield Law Society, and Mr. H. Brown, of Skipton, have been elected members of the committee.

LAW AMENDMENT SOCIETY.

A very numerous meeting of this society was held on Monday evening, to discuss together the Lord Chancellor's Debtor and Creditor Bill, and Lord John Russell's Bankruptcy and Insolvency Bill. Lord Brougham took the chair at eight o'clock.

Mr. EDGAR informed the meeting that a deputation of the society had an interview with Lord Derby, on the Friday before, on the subject of the concentration of the courts of law. His Lordship had expressed himself in favour of the scheme of concentration, and of the locality that had been pointed out. The difficulty he felt was with regard to the application of the fund which had been suggested. He was most willing, however, that the matter should be fully considered; and told them that he thought the question of how far the fund was available, might properly be referred to a select committee of the House of Commons.

Mr. EDGAR, previous to the discussion on the Bankruptcy Bills introduced for the consideration of Parliament, by the Lord Chancellor in the House of Lords, and by Lord John Russell in the House of Commons, gave a résumé of the action which had been taken by the society, in respect to a reform of bankruptcy law, and explained the points of difference and resemblance between the two Bills. The subjects, perhaps, which the meeting would do well to consider were, whether the creditors should have greater control in the winding-up of estates, by giving them power to elect a trustee as provided in both Bills, and whether jurisdiction should be given to the county courts.

Mr. HAWES considered both Bills to be retrograde in their character, and not at all calculated to meet the wants of the trading community. Where they altered the present law they altered it for the worse. The Lord Chancellor's Bill seemed to regard the debtor as the aggrieved person, and Lord John Russell's, though it seemed designed to lessen expense, would, in fact, leave it as heavy as ever. The mercantile community would never be satisfied to see their property placed in the hands of a trade assignee without the control of a public officer. He strongly objected to giving the county court the power of dealing with bankruptcy cases. The county courts had not experience enough to deal with the frauds and intricacies of bankruptcy. The experience of a commissioner and an official assignee would be necessary for this purpose. He objected to the abolition of class certificates. What he should like to see would be, not an abolition of the Act of 1849, but an amendment of it where it was defective. Both Bills seemed to be based on the principle that credit was rather a wrong than a right state of things. He thought both Bills proceeded in a wrong direction.

Mr. Commissioner AYRTON thought that Lord John Russell's Bill, though intended to diminish expense, would have no such effect, since, although it proposed to throw the retiring allowances and salaries on the Consolidated Fund, assessors and inspectors were to be appointed, and numerous meetings were to be held, which would greatly increase the costs. He thought the county courts were capable of administering justice in bankruptcy cases, and it might well be left to commercial men to choose their own court. He did not consider the arrangement clauses in Lord John Russell's Bill as satisfactory.

Mr. CARRICK said, that the official assignee now gave £20,000 security, which was a guarantee that the bankrupt's funds would be properly dealt with. If the Lord Chancellor's Bill were adopted, where would the official assignee look for remuneration? He thought some clause should be introduced, giving the official assignee proper remuneration, as he would be obliged to keep up a large staff of clerks.

Mr. LAWRANCE said, as it was evident that both Bills must be referred to a committee, it would be better not to discuss details on that occasion, but to see what were the principles in both which they could agree in. He objected to the abolition of imprisonment for debt, and he was strongly of opinion that debts should be proved at a meeting of creditors. He could not recognise anything like a sound principle in reference to bankruptcy legislation since 1854. The Bills now introduced—especially the Bill with the 440 clauses—showed a lamentable ignorance of the subject, and of the wants of the mercantile community. After diligent inquiry, he could not find that a single practical man had been consulted with respect to either Bill. The report of the Commission of 1854 had been ignored. Both Bills proceeded on the assumption that the expenses of the present system were enormous; but there were expenses thrown upon the Court of Bankruptcy with which the Court of Bankruptcy had properly nothing to do, in the shape of compensations and remunerations. He was of opinion it would be unwise to fuse the Courts of Bankruptcy and Insolvency; and he agreed with Mr. Hawes, that the county courts were not suited to decide cases of bankruptcy.

Mr. HASTINGS thought that the county courts were well calculated to administer justice in bankruptcy cases. Every argument that was available for conferring jurisdiction on the local courts in regard to debts was equally available with respect to bankruptcies. Mr. Ayrton was mistaken with regard to the expense and the number of meetings which it would be necessary to hold under Lord J. Russell's Bill. When the Bill provided that anything was to be done at a meeting of creditors, it was not intended that there should be a separate meeting for each matter that was to be decided. That portion of Lord J. Russell's Bill was copied from the Scotch law, and under that law the expense was only twelve per cent. of the assets. Again, it was not correct to say that there was no provision to guard against malversation of the funds in the hands of the official assignee; and with regard to the payment of that officer, the Bill of Lord J. Russell provided that he should be paid a salary. It was provided that he should be paid £500 a-year, exclusive of fees. That, however, was a matter of detail, and if it was not enough it could be easily increased. It had been said that the system of classification of certificates worked well. It would be impossible in this country to get any six men to agree on the exact shade of a man's commercial morality. The commissioners would give different decisions, and therefore the system of classification ought to be abandoned, for it gave rise to uncertainty. He vindicated the framers of Lord J. Russell's Bill against the charge of ignorance which had been brought against them by Mr. Lawrance. It was high time that the public should take up this matter and decide for themselves; and he felt convinced that they would do so.

Mr. HOWELL was of opinion that the Bills were totally opposed to the feelings of the commercial community. He strongly advocated the maintenance of the classification of certificates, which originated in a suggestion from himself.

Mr. LINKLATER said, he would rather be guided in this matter by the experience of Mr. Hawes than by the theory of Mr. Hastings. The county courts were wholly unsuited to adjudicate in cases of bankruptcy, it being of importance, above all things, that the Court which had to decide on bankruptcy should be fixed. With regard to the classification of certificates, his experience told him that the system worked well, and that was shown by the anxiety of traders to get a high class certificate. It was frightful to contemplate the effects of Lord Chelmsford's Bill, which not only abolished imprisonment for debt, but would enable a debtor to pursue and continue a reckless course of improvidence. The abolition of the distinction between traders and non-traders would be highly advantageous.

On the motion of Mr. HARRIS, the discussion was adjourned to Monday next, at eight o'clock.

JURIDICAL SOCIETY.

On Monday evening, the annual meeting of the Juridical Society took place at their rooms, Sir R. Bethell, Q.C., M.P., in the chair. There were present about sixty members of the legal profession. The Lord Chancellor having been elected president for the ensuing year, and Mr. Bennett, Mr. Roche, Mr. Wheatley, and Mr. F. Stephen, appointed members of the Council, Sir R. Bethell proceeded to address the society. After thanking the members for having twice elected him their president, he congratulated them upon the importance their association had already attained, and proceeded to explain to them his views with respect to the appointment of a minister of justice, views upon which he had been prepared to act while he held the office of Attorney-General. The want of a minister of justice was generally acknowledged, both by the public and the profession. After referring to the importance of the duties to be assigned to such an officer when appointed, the honourable and learned gentleman expressed a hope that the society would use its best efforts to get a department of public justice established, and labour to have the education of the profession improved.

EQUITY AND LAW LIFE ASSURANCE SOCIETY.

The annual general meeting of this society was held at the office, No. 26, Lincoln's-inn-fields, on Thursday, the 24th inst.; George Lake Russell, Esq., in the chair. The following report and statement of accounts were presented:—

The directors have the pleasure to state that, during the past year, 148 policies were issued for £190,700, producing in new premiums the sum of £6416 14*s.* 3*d.*, the amount of new assurances effected having been greater than in any previous year since the establishment of the society.

On reference to the revenue account it will be observed that, during the year 1858, the premiums amounted to £40,670 13*s.* 2*d.*, and the total income from all sources to £50,678 12*s.* 9*d.*; while on the other hand the outgoings of all descriptions were, £27,626 1*s.* 11*d.* So that the general result of the year's ope-

rations has been to increase the society's property by no less a sum than £23,052 10s. 10d. This is the largest annual surplus in the experience of the office.

The funds of the society, after making the necessary provision for all outstanding liabilities, amounted on the 31st December last to £224,804 10s. 7d. The assets are securely and profitably invested, the sum received for interest having produced an average rate of more than 4½ per cent. upon the amount of the funds at the beginning of the year.

The number of policies in force on the 31st December, 1858, was 1288, assuring £1,300,635; showing an increase upon the previous year of £116,695.

The mortality has been very favourable, the claims having been materially less than in the year 1857, notwithstanding the increase in outstanding risks.

The necessity of providing without further delay more suitable offices for the society's business having become urgent, from the increasing inconvenience arising from the inadequate accommodation of the present premises, the directors, after carefully considering several propositions, have entered into a contract for the purchase of the freehold house No. 18, Lincoln's-inn-fields, with the intention of building forthwith convenient offices upon the site.

The directors who retire by rotation are Mr. Hollingsworth, Mr. Dimond, Mr. Robins, and Mr. Hawkins, and the retiring auditors are Dr. Phillimore for the proprietors, and Mr. Rudd for the assured. These gentlemen all offer themselves for re-election.

The directors have also to announce with great regret the recent loss of their late valued medical officer, Dr. Scott. Out of a number of candidates, including several very eminent members of the medical profession, they have appointed Dr. Markham his successor.

George Lake Russell, Chairman.

Revenue Account for the Year ending Dec. 31, 1858.

Dr.	£	s.	d.	£	s.	d.
Amount of funds, December 31st, 1857, as per last account				201,751	19	9
New Premiums	£6416	14	3			
Renewal Premiums	34,353	18	11			
Dividends, Interest, Rent, &c.	9292	6	9			
Re-assurance, surrendered	420	18	6			
Commission on Re-assurances	271	11	4			
Fees, Fines, &c.	23	3	0			
				50,678	12	9
				£252,430	12	6

Cr.	£	s.	d.	£	s.	d.
Claims with Additions	£13,789	11	11			
Less Re-assured	499	0	0			
	13,290	11	11			
Surrendered Policies	1249	13	8			
Annuities	943	9	10			
Re-assurances	4152	5	4			
Proprietors' Dividend	2750	0	0			
Expenses of Management	3191	15	4			
Commission	1780	19	6			
Income Tax	256	16	4			
Extra Premiums returned	10	10	0			
				27,626	1	11
Balance as below; viz.—						
Proprietors' Fund	59,907	19	7			
Assurance Fund	164,896	11	0			
				224,804	10	7
				£252,430	12	6

Balance Sheet, December 31st, 1858

Liabilities.	£	s.	d.	£	s.	d.
Proprietors' Dividends due	3326	1	11			
Sundry Accounts outstanding	472	16	1			
				3798	18	0
Balance as above; viz.—						
Proprietors' Fund	59,907	19	7			
Assurance Fund	164,896	11	0			
				224,804	10	7
				£228,603	8	7

Assets.	£	s.	s.
Government Securities	10,159	7	0
Mortgages, &c.	172,714	4	0
Loans on Policies and Bonds	6201	0	0
Property in Chancery-lane	8784	16	10
Reversions and Life Interests	11,576	17	6
Premiums and Interest due	3699	14	5
Cash at London and Westminster Bank; viz.—			
On Drawing Account £2,468 8 10			
On Deposit Account 13,000 0 0			
	15,468	8	10
	£228,603	8	7

31st January, 1859. We have carefully examined the above Accounts, and find the same to be correct.

(Signed) Robert J. Phillimore, John Boodle, Alex. Ebrell, } Auditors.

Law Students' Journal.

LAW SOCIETY'S LECTURES.

J. W. Smith, Esq., on Conveyancing; Monday, Feb. 28, at 8 o'clock.

F. O. Haynes, Esq., on Equity; Friday, March 4, at 8 o'clock.

In answer to an Articled Clerk—service and admission in this country will not qualify him for practice in Canada; neither will service of articles in England enable him to present himself as a candidate for examination in Canada, where he must be articled for three years, and be admitted as an attorney, and be also called to the bar, before he can practise. We have heard, on good authority, that any young lawyer of intelligence and energy, especially if he possess some capital, will find an excellent opening in Upper Canada; and the law and procedure in force there are much the same as our own.—Ed. *S. J.*

Births, Marriages, and Deaths.

BIRTHS.

ABELL—On Feb. 12, the wife of George Mutlow Abell, Esq., Solicitor, of a daughter.

AUSTEN—On Feb. 20, Chandos-street, Cavendish-square, the wife of Francis Austen, Esq., of a daughter.

BAGGALLY—On Feb. 20, at Bedford-road, Clapham, the wife of Richard Baggally, jun., Esq., of a son.

CARPENTER—On Feb. 22, at 1 Sutherland-gardens, Maida-vale, the wife of A. B. Carpenter, Esq., of a son.

GARDNER—On Feb. 19, at Montfort-house, Leamington Priors, the wife of Richard Gardner, Esq., Solicitor, of a son.

PHILPOT—On Feb. 23, at 20 Montague-street, Russell-square, Mrs. Philpot, of a son.

MARRIAGES.

BEAUMONT—DAY—On Feb. 21, at the parish church, Hove, Joseph Beaumont, Esq., of Lincoln's-inn, eldest son of the late Rev. Dr. Beaumont, to Mary, second daughter of the late William Day, Esq., of Hadlow-house, Sussex, formerly one of the Assistant Poor Law Commissioners.

MANNING—HILL—On Feb. 10, at Whittington, Worcestershire, by the Rev. J. H. Wilding, Henry, second son of the late W. Manning, Esq., of Worcester, to Frances, eldest daughter of John Hill, Esq., Town Clerk of Worcester.

MARTIN—HILTON—On Feb. 17, at St. Bride's Church, by the Rev. Mr. Kewley, Peter Martin, Esq., to Eliza, eldest daughter of C. Hilton, Esq., Solicitor, Wigan.

DAWSON—SHUTTLEWORTH—On Feb. 23, at the parish church, Preston, Lancashire, by the Rev. T. Clark, M.A., assisted by the Rev. Canon Parr, M.A., vicar, Richard Pudsey, only son of the late Richard Dawson, Esq., of Liverpool, to Louisa Elizabeth, youngest daughter of Thomas Starkie Shuttleworth, Esq., of West-cliff, Preston.

ROLT—OSBORNE—On Feb. 23, at St. Mary's, Battersea, by the Rev. the Provost of Oriel, and the Rev. William Hale, rector of Claverton, Somersetshire, John Rolt, Jun., Esq., B.A., of the Inner Temple, Barrister-at-Law, to Sarah, daughter of John Osborne, Esq., of Battersea-house, Surrey.

SETTLE—WEBSTER—On Feb. 17, at Bramley, by the Rev. J. D. Julius, Mr. Joseph Settle, of Armley, Solicitor, to Hannah, daughter of David Webster, Esq., of Aspen-house, Wortley.

STAFFORD—TURNER—On Feb. 5, at Christ Church, West Hartlepool, by the Rev. Mr. Rowe, Robert Henderson, eldest son of Robert Stafford, Esq., of Durham, Solicitor, to Alice, daughter of J. Turner, Esq., West Hartlepool.

DEATHS.

BAKER—On Feb. 22, at Chester-terrace, Regent's-park, William Baker, Esq., one of the Coroners for Middlesex, aged 76.

BRIDGER—On Feb. 23, at 4 Prince's-place, Kennington, Charles Kynaston, second son of Edward Kynaston Bridger, Esq., aged one year and seven months.

DARNBOROUGH—On Feb. 16, aged 67 years, Thomas Darnborough, Esq., Solicitor, of Ripon.

HASTIE—On Feb. 19, at his residence, Camberwell-grove, James Hastie, Esq., of 8 Gray's-inn-square, aged 58.

HORNE—On Dec. 31, 1858, in Oude, Francis Woodley Horne, aged 35, Major of the 7th Hussars, third son of Sir William Horne (formerly Attorney-General), of Epping-house, Herts, and 49 Upper Harley-street.

JONES—On Feb. 22, at Torquay, Margaret Anne, the only surviving daughter of Charles Gwillim Jones, Esq., of 11 Gray's-inn-square, and 21 Porchester-square.

KEMP On Dec. 11, 1858, at Calcutta, Alexander Davidson Kemp, Esq., Solicitor of her Majesty's Supreme Court, aged 56.

NICHOLETTS—On Feb. 20, at Rugby School, Edward Cornwell Nicholetts, the youngest son of John Nicholetts, Esq., of South Petherton, Somersetshire, aged 16.

PRITCHARD—On Feb. 21, at 5, The Cedars, Putney, William Pritchard, Esq., High Bailiff of Southwark, aged 67.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

Adams, Elizabeth, Widow, Brockton, Shropshire, £40 : 3 : 1 4 per Cents.—Claimed by Ann Smith, Widow, the administratrix.

Brett, Phebe Ellen, Spinster, Queen's-gardens, Brompton, £400 Old South Sea Annuities, Principal paid in full April 5, 1854.—Claimed by John Oddy, the surviving executor.

Goding, Elizabeth, Spinster, Knightsbridge, £500 New 3 per Cents.—Claimed by Charles Goding, the administrator.

GODING, GEORGE, Esq., ELIZABETH GODING, Spinster, and JAMES GODING, Esq., all of Knightsbridge, £1300 : 16 : 3 New 3 per Cents.—Claimed by CHARLES GODING, administrator.

GOULD, CHALKLEY, Farmer, Loughton, Essex, BENJAMIN BULL, Farmer, Harlow, Essex, £78 : 2 : 6 New 3 per Cents.—Claimed by WILLIAM BARNARD, Sawbridgworth, and WILLIAM BARNARD, High Laver, executors of BENJAMIN BULL, who was the survivor.

KNOX, BROWNLOW WILLIAM, Lieut.-Col., Wilton-crescent, One Dividend on £7000 Consols.—Claimed by BROWNLOW WILLIAM KNOX.

Railway Stock.

RAILWAYS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Birk. Lan. & Ch. Junc.	..	..	..	..	..	..
Bristol and Exeter	..	95½ 6	96	..	..	..
Caledonian	85¼ 4½	84½ 4	83¾ 4	84¼ ½ ½	85 4½	84 3½
Chester and Holyhead	..	..	..	..	..	48½ 7½
East Anglian	..	..	15¾	..	..	15¾ ½
Eastern Counties	60¾ 1	60½ ¾	60¾	60½ ¾	60½	60¼ ¾
Eastern Union A. Stock.	..	..	..	..	..	..
Ditto B. Stock	..	..	..	..	..	..
East Lancashire	..	95¾	..	..	..	95
Edinburgh and Glasgow	72	72 1½ 2	71½	71 70¾	71	71 70¾
Edin. Perth, and Dundee	27½	..	..	27½ ¾	27¾	27½ ¾
Glasgow & South-Westn.	..	..	..	..	..	..
Great Northern	105	104½	104	104½ ½	..	104½ ½
Ditto A. Stock	..	88	88	..	..	87½
Ditto B. Stock	..	..	..	..	..	137
Gt. South & West. (Ire.)	..	104½	..	..	..	104¾
Great Western	56½ ¾ ½	56½ 6	55¾ 6½	56½ 6	56¾	56½ ¾
Do. Stour Vly. G. Stk.	..	..	..	..	..	..
Lancaster & Carlisle	..	..	86¼ 7½	88	..	88
Lancashire & Yorkshire	95½	95¾ ¾	94¾ 5½	95¼ ¾	95¼ ¾	95¾
Lon. Brighton & S. Coast	109¾ 9	109¾ ¾	109¼	109	109	109 8½
London & North-Wstrn.	95¾ ½	95 4 ¾	94¾ 5¼	95¼ ½	95¼ ¾	95¼ ½
London & South-Westrn.	92¾ ¾xd	92¾ x.d.	92 1½ 2	92 ¾x.d	92 1¾xd	92½ 1½
Man. Sheff. & Lincoln.	..	37½ ¾ ½	..	..	..	37
Midland	101¼ ¾	101 ¾ 1	100¾ 1¼	101¼ ½	101¼ ¾	101¼
Ditto Birm. & Derby	..	77	..	..	..	..
Norfolk	65	64	..	..	..	..
North British	59½ 8¾	58	58½	59½	59½ 8½	59 8
North-Eastern (Brwck.)	93½	93¼	92¾ 3	93¼	93 2½	93 ¾
Ditto Leeds	..	..	..	48	..	48 7½
Ditto York	..	78¼ 8	78	78¼ 8	78¼	78 7½
North London	..	..	..	..	..	102½
Oxford, Worc. & Wolver.	..	..	..	29½	29½ ¾	29½ ¾
Scottish Central	..	..	..	..	..	..
Scot. N.E. Aberdeen Stk.	..	..	..	..	..	..
Do. Scotsh. Mid. Stk.	..	84	..	..	85	85
Shropshire Union	..	..	..	..	..	..
South Devon	38 7½	..	38	38	..	38
South-Eastern	74¼ 3¾	73¼ ½	73¼ ½	73¼ ¾	73¼	73
South Wales	..	..	..	..	..	68
Vale of Neath	77½ 8	77	..	..	..	..

English Funds.

ENGLISH FUNDS.	Sat.	Mon.	Tues.	Wed.	Thur.	Fri.
Bank Stock	..	229	228 30	..	229	229
3 per Cent. Red. Ann.	96¼	95¾ ¾	95½ ¾	95¾ 6½	95¾	95¾ 6
3 per Cent. Cons. Ann.	95¾ ¼ 5	95½ ¼ 5	95 ½	95½ ¾	95½	95⅝ ½
New 3 per Cent. Ann.	96¼ 5½	95¾ ¾	95 ¾	95¾ ¾	95¾	95¾ 5½
New 2½ per Cent. Ann.	..	..	..	..	..	79
Long Ann. (exp. Jan. 5, 1860)	..	..	1 3-16	..	1 3-16	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	..	..	..	..
Do. 30 years (exp. Jan. 5, 1860)	..	..	15-16	..	..	..
Do. 30 years (exp. Apr. 5, 1885)	..	18½	18 3-16	..	18½	18½
India Stock	..	..	218	220 18	..	..
India Loan Debentures	..	98½	98½	98¾ ½	98¾	98¾
India Scrip, Second Issue	..	..	..	..	..	..
India Bonds (£1,000)	..	..	..	..	15	..
Do. (under £1000)	18s 15sp	15s 20sp	..	..	..	15s 19sp
Exch. Bills (£1000) Mar.	36s 39sp	35s 37sp	38s p	35s p	38s p	37s 34s p
Ditto June	36s p	35s p	..	..	..	..
Exch. Bills (£500) Mar.	36s 39sp	36s p	..	..	..	..
Ditto June	36s p	39s 35sp	..	..	..	38s p
Exch. Bills (Small) Mar.	36s 35sp	35s p	..	38s p	..	..
Ditto June	36s p	35s 39sp	..	..	..	..
Do. (Advertised) Mar.	..	..	38s p	34s 8s p	34s p	34s 37s p
Ditto June	..	..	..	..	..	..
Exch. Bonds, 1858, 3½ per Cent.	..	..	..	..	..	..
Exch. Bonds, 1859, 3½ per Cent.	..	..	..	100	100½	100

London Gazettes.

New Members of Parliament.

FRIDAY, *Feb.* 25, 1859.

BOROUGH OF ENNISKILLEN.—The Hon. John Lowry Cole, *vice* the Right Hon. James Whiteside.

BOROUGH OF MARYLEBONE.—Edwin John James, Esq., *vice* Hugh Fortescue, commonly called Viscount Ebrington.

COUNTY OF YORK.—*West Riding.*—Sir John William Ramsden, Bt., *vice* George Frederick Robinson, commonly called Viscount Goderich.

Commissioner to administer Oaths in Chancery.

TUESDAY, *Feb.* 22, 1859.

CHARNLEY, GEORGE ALLINGTON, Gent., Beaconsfield, Buckinghamshire.

Bankrupts.

TUESDAY, *Feb.* 22, 1859.

BENNETT, JOHN, Ironmaster, Spon-lane, West Bromwich. *Com.* Sanders: Mar. 7 and April 11, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* Smith, Birmingham. *Pet.* Feb. 10.

FOWLER, WILLIAM, Builder, New-cross and Beckenham. *Com.* Holroyd: Mar. 8, at 2; and April 5, at 12; Basinghall-st. *Off. Ass.* Lee. *Sol.* Jones, 14 Gresham-st., London, and Colchester, Essex. *Pet.* Feb. 18.

GLENNIE, THOMAS, Boarding-house Keeper, 32 Harley-st., Cavendish-sq. *Com.* Evans: Mar. 3, at 11; and April 7, at 12; Basinghall-st. *Off. Ass.* Johnson. *Sol.* Murrough, New-inn, Strand. *Pet.* Feb. 19.

HARTWELL, THOMAS MADELEY, Stretcher, Manchester (Patent Stretching Co.) Mar. 7 & 29, at 12; Manchester. *Off. Ass.* Fraser. *Sol.* Hodgson, Manchester. *Pet.* Feb. 11.

MANLEY, JOHN, Miller, Exwick, Exeter. *Com.* Andrews: Mar. 10 and April 13, at 11; Queen-st., Exeter. *Off. Ass.* Hirtzel. *Sol.* Stogdon, Exeter. *Pet.* Feb. 17.

MILTON, HARMAN MATTHEW, commonly called MATTHEW MILTON, Cab Proprietor, 3 Queen's-row, Walworth-rd. *Com.* Evans: Mar. 1, at 11; and Mar. 31, at 1; Basinghall-st. *Off. Ass.* Bell. *Sol.* Hope, 9 Elyp1., Holborn. *Pet.* Feb. 17.

RIDLER, GEORGE, Provision Dealer, Bute-st., Cardiff. *Com.* Hill: Mar. 8, and April 5, at 11; Bristol. *Off. Ass.* Acraman. *Sols.* Ensor, Cardiff; or Abbot, Lucas, & Leonard, Albion-chambers, Bristol. *Pet.* Feb. 10.

SCHOFIELD, JAMES, & LOUIS HORRIX, Grease Manufacturers, Blue Pits, Rochdale, Lancashire, and Keighley, Yorkshire (Schofield & Horrix). Mar. 10 & 31, at 11; Manchester. *Off. Ass.* Hernaman. *Sols.* Slater & Myers, Tib-lane, Manchester. *Pet.* Feb. 16.

SIMESTER, JOHN EDWIN, Grocer, Cardiff. *Com.* Hill: Mar. 7 and April 4, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Waldron, Cardiff; or Henderson, Bristol. *Pet.* Feb. 18.

SYSON, JAMES, Hosier, Birmingham. *Com.* Sanders: Mar. 10 & 31, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* James & Knight; or Beale & Marigold, Birmingham. *Pet.* Feb. 18.

WHELLER, GEORGE, Draper, Curry Revel, Somersetshire. *Com.* Andrews: Mar. 3, at 12; and Mar. 30, at 11; Queen-st., Exeter. *Off. Ass.* Hirtzel. *Sol.* Louch, Langport. *Pet.* Feb. 16.

FRIDAY, *Feb.* 25, 1859.

ADAMS, THOMAS, jun., Licensed Victualler, Harborne, Staffordshire. *Com.* Sanders: Mar. 7 & 28, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Southall & Nelson, Birmingham. *Pet.* Feb. 15.

CRELLIN, PHILIP, Sail Maker, Liverpool. *Com.* Perry: Mar. 11 and April 1, at 11; Liverpool. *Off. Ass.* Turner. *Sols.* Dodge & Wynne, Liverpool. *Pet.* Feb. 24.

CUSTANCE, THOMAS WILLIAM, Licensed Victualler, Newcastle-upon-Tyne. *Com.* Ellison: Mar. 7 and April 14, at 12; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Joel, Newcastle-upon-Tyne; or Irving, 64 Lincoln's-inn-fields. *Pet.* Feb. 21.

GREENWAY, JOHN DAVID, Draper, 7 North-st., Taunton. *Com.* Andrews: Mar. 11 and April 6, at 11; Exeter. *Off. Ass.* Hirtzel. *Sol.* Rossiter, Taunton. *Pet.* Feb. 22.

HARDWICKE, JOSEPH, & HENRY JONES, Merchants, 17 Gracechurch-st.-chambers, and Odessa, Russia (Hardwicke, Jones, & Maurice). *Com.* Fonblanque: Mar. 9, at 1.30; and April 9, at 12; Basinghall-st. *Off. Ass.* Stansfeld. *Sols.* Lawrance, Plews, & Boyer, 14 Old Jewry-chambers. *Pet.* Feb. 23.

HILL, JOHN, jun., Lace Manufacturer, Lenton, Nottinghamshire. *Com.* Sanders: Mar. 15 and April 12, at 11; Shire-hall, Nottingham. *Off. Ass.* Harris. *Sols.* Bowley & Ashwell, Nottingham. *Pet.* Feb. 22.

HORNCASTLE, WILLIAM GEORGE, Auctioneer, 230½ High-st., Poplar. *Com.* Holroyd: Mar. 11, at 1; and April 15, at 12; Basinghall-st. *Off. Ass.* Lee. *Sols.* Preston & Webb, 9 Carey-st., Lincoln's-inn. *Pet.* Feb. 23.

IRELAND, WILLIAM, Licensed Victualler, Green Gate-inn, Plaistow, Essex. *Com.* Fane: Mar. 4, and April 8, at 12; Basinghall-st. *Off. Ass.* Cannan. *Sols.* G. & E. Hilleary, 5 Fenchurch-bldgs., Fenchurch-st. *Pet.* Feb. 23.

LOCKING, GEORGE, Hotel Keeper, Dolphin-hotel, Caethorpe, Lincolnshire. *Com.* Ayrton: Mar. 9 and April 13, at 12; Town-hall, Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* Babb & Grange, Great Grimsby; or Moss & Lowe, Kingston-upon-Hull. *Pet.* Feb. 9.

LOVELL, BENJAMIN, Currier, Northampton. *Com.* Goulburn: Mar. 9, at 1; and April 11, at 12; Basinghall-st. *Off. Ass.* Pennell. *Sols.* Bridger & Collins, 37 King William-st. *Pet.* Feb. 21.

MUNDY, JOHN ANDREWS, Coal Merchant, Pulborough, Sussex. *Com.* Fonblanque: Mar. 11, at 2; and April 9, at 1; Basinghall-st. *Off. Ass.* Graham. *Sols.* Rogerson & Ford, 31 Lincoln's-inn fields; or Albery, Midhurst, Sussex. *Pet.* Feb. 14.

NEWTON, JOHN, Horse Dealer, Old Malton, Yorkshire. *Com.* West: Mar. 10 and April 1, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Young. *Sols.* Bond & Barwick, Leeds. *Pet.* Feb. 19.

OSWALD, GEORGE, Farmer, Fishburn, Durham. *Com.* Ellison: Mar. 8, at 11; April 12, at 1; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Hodge & Harle, Newcastle-upon-Tyne. *Pet.* Feb. 18.

SPLATT, SAGAR HOLDEN, Sail Maker (Splatt, Black & Co.), formerly of Salthouse-bldgs., Liverpool, late of Commercial-rd. East, and Stepney-green, now of 379 Strand. *Com.* Holroyd: Mar. 11, at 2; and April 12, at 12; Basinghall-st. *Off. Ass.* Edwards. *Sols.* J. & T. Cole, 49 Lime-st. *Pet.* Feb. 22.

SPENCE, HENRY, Currier, Gt. Charles-st., Birmingham. *Com.* Mar. 7 and 28, at 11; Birmingham. *Off. Ass.* Whitmore. *Sol.* Sill, Birmingham. *Pet.* Feb. 23.

TAYLOR, JOSEPH, General Dealer, Bradford. *Com.* Ayrton: Mar. 8, at 11.30; and April 4, at 11; Commercial-bldgs., Leeds. *Off. Ass.* Hope. *Sol.* Dawson, Bradford. *Pet.* Feb. 22.

TURNEY, JOHN GOODSON, Grocer, 9 Mount-pl., Walworth-rd. *Com.* Fane: Mar. 4, and April 8, at 12.30; Basinghall-st. *Off. Ass.* Whitmore. *Sols.* George & Downing, 5 Size-lane, Bucklersbury. *Pet.* Feb. 23.

WALKER, JOHN, Licensed Victualler, Stockport. Mar. 10 & 31, at 12; Manchester. *Off. Ass.* Hernaman. *Sol.* Lamb, Cooper-st., Manchester. *Pet.* Feb. 14.

WATSON, Michael, Innkeeper, Hartlepool, Durham. *Com.* Ellison: Mar. 8, and April 12, at 1; Royal-arcade, Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Watson, 10 Arcade, Newcastle-upon-Tyne; or Harwood & Pattison, 10 Clement's-lane, Lombard-st. *Pet.* Feb. 15.

BANKRUPTCIES ANNULLED.

TUESDAY, *Feb.* 22, 1859.

Abram, John, Cabinet Maker, Oldham-st., Manchester. Feb. 17.
Balls, Thomas Fitt, Innkeeper, Russell-hotel, Brixton. Feb. 19.
Smith, Matthias, Carpet Merchant, Halifax, in copartnership with George Lee Newell, & Edwin Phillips. Feb. 18.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, *Feb.* 22, 1859.

Barker, James, & William Barker, Builders, 18 Albany-rd., Old Kent-rd. Mar. 4, at 1.30; Basinghall-st.
Bennett, Robert Wheble, Brewer, West Bromwich. Mar. 18, at 11; Birmingham.
Birch, John, Maltster, Old Swinford, Worcestershire. Mar. 16, at 11; Birmingham.
Brown, John Mavor, Apothecary, Kineton, Warwickshire. Mar. 17, at 11; Birmingham.
Collins, William, Linendraper, 5 & 6 Rydon-ter., City-rd. Mar. 16, at 12; Basinghall-st.
Devereux, Thomas Herbert, Tailor, Stockton, Durham. Mar. 17, at 12; Royal-arcade, Newcastle-upon-Tyne.
Gotch, John Davis, & Thomas Henry Gotch, Bankers, Kettering & Rowell, Northamptonshire, and 43 Long-acre. Mar. 16, at 12.30; Basinghall-st.
Hirst, William, Silk Manufacturer, Derby. Mar. 29, at 11; Shire-hall, Nottingham.
Lewis, George, Leather Cutter, 8 Clarence-pl., Hackney-road. Mar. 16, at 1; Basinghall-st.
Nairn, Philip, Miller, Waren Mills, near Belford, Northumberland. Mar. 17, at 1; Royal-arcade, Newcastle-upon-Tyne.
Tomkinson, Richard Cyples, jun., Stationer, Birmingham. Mar. 17, at 11; Birmingham.
Turner, William Henry, Hosier, 69, 70, & 89 Bishopsgate-st., Without. Mar. 16, at 1.30; Basinghall-st.
Widdowson, David, & Henry Frearson Clarke, Lace Manufacturers, Nottingham. Mar. 29, at 11; Shire-hall, Nottingham.
Williams, William, Innkeeper, Melton Mowbray. Mar. 29, at 11; Shire-hall, Nottingham.

FRIDAY, *Feb.* 25, 1859.

Cook, George, Grocer, 23 St. Peter-st., Lower-rd., Islington. Mar. 18, at 12.30; Basinghall-st.
Cross, Richard, Saddler, 24 Jermyn-st. Mar. 18, at 12; Basinghall-st.
Day, William Ansell, Brickmaker, Hadlow House, Mayfield, and 18 New Bridge-st. Mar. 9, at 2 (by adj. from Feb. 1); Basinghall-st.
Fitzmaurice, George Lionel, Boarding House-keeper, 97 Gloucester-pl., Portman-sq. Mar. 21, at 12; Basinghall-st.
Foster, Joseph, Grocer, Little Horton, Bradford. Mar. 18, at 11; Commercial-bldgs., Leeds.
Foster, Samuel, Dyer, Morley, Batley, Yorkshire. Mar. 18, at 11; Commercial-bldgs., Leeds.
Gibson, Henry, Merchant, 17 Gracechurch-st. Mar. 8, at 11; Basinghall-st.
Griffith, Miles, & Philip Pearson, Tailors, New Bond-st. Mar. 18, at 1.30; Basinghall-st.
Harrison, Thomas, Fringe Manufacturer, 78 Wells-st., Oxford-st. Mar. 18, at 12; Basinghall-st.
Heathfield, William Eames, & William Abarrow, Manufacturing Chemists. Mar. 18, at 11; Basinghall-st.; sep. est. W. E. Heathfield.
Johns, Thomas Coke, Printer, New-st.-sq., and 13 Sloane-st. Mar. 18, at 11.30; Basinghall-st.
Langdale, John, Timber Merchant, South Stockton, Yorkshire. Mar. 18, at 11; Commercial-bldgs., Leeds.
Linnit, John, Manufacturing Jeweller, 44 Berners-st., Oxford-st. Mar. 19, at 12; Basinghall-st.
Neville, Josiah Henry, Currier, Northampton. Mar. 18, at 11; Basinghall-st.
Schutler, Adonian, Merchant, Plymouth. Mar. 17, at 11; Basinghall-st.
Simmons, James, Coach Maker, Sevenoaks, and Westerham, and lately of Braxted, Kent. Mar. 9, at 1.30; Basinghall-st.
Smith, William, Fish Merchant, Runham, Norfolk. Mar. 9, at 1; Basinghall-st. (by adj. from Feb. 1).
Tate, George, Timber Merchant, Shoreham, Sussex. Mar. 19, at 12; Basinghall-st.
Wilson, John, Corn Merchant, Nether Silton, Yorkshire. Mar. 18, at 11; Commercial-bldgs., Leeds.

CERTIFICATES.

To be ALLOWED, *unless Notice be given, and Cause shown on Day of Meeting.*

TUESDAY, *Feb.* 22, 1859.

Brown, John, Draper, Bradford. Mar. 29, at 12; Commercial-bldgs., Leeds.
Burbidge, William, Corn Dealer, Birmingham. Mar. 18, at 11; Birmingham.
Chress, Benjamin M'Cleish, Draper, 180 Hoxton Old-town. Mar. 15, at 1; Basinghall-st.
Challenger, Henry, Victualler, Gloster-pl., Bristol. Mar. 22, at 11; Bristol.
Cox, Frederick, Straw Plait Dealer, 17 Williamson-sq., Liverpool, Mar. 15, at 2; Basinghall-st.
Evans, Thomas Daimond, Merchant, 16 Bush-lane, Cannon-st., now of 7 Alma-rd., Junction-rd., Upper Holloway. Mar. 16, at 12; Basinghall-st.
Forster, Peter, Shipbuilder, Sunderland. Mar. 4, at 12; Royal-arcade, Newcastle-upon-Tyne.
Greatorex, Henry, Hotel Keeper, Llanhurst, Denbighshire. Mar. 17, at 12; Liverpool.
Henchley, Richard, Ironfounder, Derby, and Hibrom Blount, William Smith, and George Smith (Blount, Smith, & Co.), Timber Merchants, Ilkeston, Derbyshire. Mar. 22, at 11; Shire-hall, Nottingham.
Henderson, Robert, Cabinet Maker, Newcastle-upon-Tyne. Mar. 15, at 12; Royal-arcade, Newcastle-upon-Tyne.
Livingstone, James Hunter, Licensed Victualler, White Hart Public-house, 89, High-st., Whitechapel. Mar. 15, at 12; Basinghall-st.
M'Iver, Lewis (Wilson & M'Iver), Merchant, Liverpool. Mar. 16, at 1; Liverpool.
Neville, Uriah, Wholesale Boot Maker, Kerr-st., Northampton. Mar. 17 at 11; Basinghall-st.
Norris, James Henley, Paper Dealer, Birmingham. Mar. 18, at 11; Birmingham.
Parry, Henry, Draper, Capel Cerrig, Carnarvonshire. Mar. 16, at 12; Liverpool.
Rolls, Alfred, Umbrella & Parasol Manufacturer, 44 Ludgate-hill. Mar. 15, at 2; Basinghall-st.
Sharp, Joseph, Cattle Dealer, Metheringham, Lincolnshire. Mar. 22, at 11; Shire-hall, Nottingham.

FRIDAY, *Feb.* 25, 1859.

Forster, Peter, Ship Builder, Sunderland. Mar. 17, at 11.30; Royal-arcade, Newcastle-upon-Tyne.
Gardner, John, Builder, Northampton. Mar. 18, at 1; Basinghall-st.
Gearing, Edward, Dressing Case Maker, 10 Portland-pl., St. John's-wood. Mar. 18, at 1.30; Basinghall-st.
Ingham, Francis, Grocer, 9 High Holborn. Mar. 21, at 11.30; Basinghall-st.
Palmer, John, Hop Merchant, Worcester. Mar. 18, at 11; Birmingham.
Parton, Henry Ranger, Grocer, Trafalgar-rd. East, Greenwich. Mar. 21, at 1.30; Basinghall-st.
Rogers, Henry, Milliner, Bradford. Mar. 18, at 12; Basinghall-st.
Samuel, Isaac, Jeweller, formerly of High-st., Shadwell, late of 2 Cottage-lane, Commercial-rd. East, also of Lower Shadwell. Mar. 19, at 12; Basinghall-st.
Williams, Henry, Laceman, High-st., Southwark. Mar. 18, at 2; Basinghall-st.

To be DELIVERED, *unless* APPEAL *be duly entered.*

TUESDAY, *Feb.* 22, 1859

Burn, David Laing, Merchant, formerly of Kensington Palace-gardens, now of 36 St. James's-pl., carrying on business at St. Michael's-house, Cornhill. Feb. 15, 2nd class.
Millington, James, & Charles Claye, Lace Manufacturers, Nottingham. Feb. 15, 3rd class.
Perkins, Eliza, Artificial Flower Maker, Saltley, Birmingham. Feb. 17, 1st class.
Slade, William, Paper Maker, Bagnor Paper-mills, Bagnor, East Hagbourne, Berks, and Hurstbourne Priors, Whitchurch, co. Southampton. Feb. 16, 2nd class.
Thomas, George William, Shipwright, Lavender-dock, Rotherhithe. Feb. 16, 2nd class.
Woodmancey, George, Coal Merchant, Glamford Briggs, Lincolnshire. Feb. 16, 3rd class; after suspension of 21 days.

FRIDAY, *Feb.* 25, 1859.

Barnsdale, George Hunt, Builder, Millfield, Peterborough. Feb. 14, 2nd class.
Brown, William, Builder, Whitehaven, Cumberland. Feb. 22, 2nd class; after suspension of 21 days.
Culley, Samuel Utting, Wine & General Merchant, 4 Coleman-st., and 2 Priory-grove, West Brompton. Feb. 18, 3rd class.
Daly, James, Licensed Victualler, Green Man Public-house, Shacklewell. Feb. 18, 1st class.
Elliott, Joseph, Grocer, Devonport. Feb. 21, 2nd class; after suspension of 21 days.
Gostling, John, Saddler, East Dereham, Norfolk. Feb. 18, 2nd class.
Hord, Walter, Music Seller, Stevenage, Herts. Feb. 18, 2nd class.
Keal, William Henry John, & Daniel Jackson Roberts, Merchants, 3 Rood-lane, and Prince Edward's Island, British North America (Keal & Roberts). Feb. 18, 2nd class.
Kemp, Thomas, Maltster, Loose, Kent. Feb. 18, 2nd class.
Pye, George, Flax Dresser, Foundation-st., Ipswich. Feb. 18, 2nd class.
Taylor, William, Coal Merchant, Newport, Monmouthshire. Feb. 22, 1st class.

Professional Partnership Dissolved.

FRIDAY, *Feb.* 25, 1859.

Stretton, Charles Marston, & Richard Broadhurst Postans, Attorneys & Solicitors, 12 South-sq., Gray's-inn; by mutual consent. Feb. 21.

Assignments for Benefit of Creditors.

TUESDAY, *Feb.* 22, 1859.

Brown, William, Farmer, Cressy-hall, Lincolnshire. Feb. 16. *Trustees,* J. Coupland, Farmer, Hemswell Cliff; J. Brown, Farmer, South Owersby; T. Brown, Farmer, South Carlton, all in Lincolnshire. Creditors to execute before June 16. *Sol.* Carline, Lincoln.
Clarke, William Richard, General Dealer, Crickhowell, Breconshire. Jan. 31. *Trustees,* E. Price, & J. Pearce, Drapers, Abergavenny; J. F. Dixon, Woollen Merchant, Manchester. *Sol.* Lloyd, Abergavenny.
Fielder, Joseph, Draper, Hastings, Sussex. Feb. 11. *Trustees,* J. Hyde, & J. C. Clark, Wholesale Clothiers, Abingdon. *Sols.* Mason & Sturt, Gresham-st.
Folkard, Francis, Builder, East Bergholt, Suffolk. Feb. 14. *Trustee,* W. Grimwade, & J. W. Baxter. *Sol.* Safford, Hadleigh.
Harris, Edward, Draper, Coventry. Feb. 12. *Trustees,* W. Lynes, Gent., Coventry; G. B. Greatorex, Warehouseman, Aldermanbury. *Sol.* Bradbury, Weavers'-hall, 22 Basinghall-st.
Laity, James Congdon, Draper, Plymouth. Feb. 5. *Trustee,* A. Kitt, Gent., and Others, East Emma-pl., East Stonehouse, Devon. *Sol.* Edmonds, 8 Parade, Plymouth.
Martin, Thomas, Upholsterer, Bridge-road, Lambeth. Feb. 9. *Trustees,* T. M. Southwell, Warehouseman, Cannon-st.; T. Lawes, Cabinet Maker, 32 City-road, Islington; P. Palmer, Warehouseman, Watling-st. *Sol.* Snow, 22 College-hill, Cannon-st.
Nicholson, David, Tailor, Great Driffield, Yorkshire. Feb. 17. *Trustee,* M. Butterick, Clothier, Selby. Creditors to execute on or before April 17. *Sol.* Allen, Great Driffield.
Peak, Joseph, Screw Bolt Manufacturer, Manchester. Feb. 5. *Trustees,* W. A. Jenner, Iron Merchant, Salford; W. Pennington, Coal Agent, Manchester. (Creditors to execute before May 1.) *Sol.* Heath, 41 Swan-st., Manchester.
Simons, Thomas, Joiner, Kingston-upon-Hull. Feb. 17. *Trustees,* B. Musgrave, Builder, T. Oliver, Timber Merchant, J. Fisher, Merchant's Clerk, all of Kingston-upon-Hull. *Sol.* Shackles, Kingston-upon-Hull.

FRIDAY, *Feb.* 25, 1859.

Hammond, Edward, Milliner & Machinist, 89 Herbert-st., Hoxton. Feb. 14. *Trustees,* W. Marriott, Lace Manufacturer, Nottingham; R. Sharland, Draper, 84 Shoreditch. *Sol.* Langford, 39 Friday-st.

HARVEY, JOHN, Music Dealer, Sheffield. Jan. 31. *Trustees.* G. Nutting, Pianoforte Maker, London; G. Metzler, Pianoforte Maker, London. *Sol.* Doyle, 2 Vernlum-bldgs., London.

KIRKHAM, ROBERT, Builder, Stockton, Durham. Feb 22. *Trustees,* R. Craggs, Timber Merchant, Stockton; J. Ventress, Timber Merchant, Stockton. Creditors to execute on May 22. *Sol.* Watson, Stockton.

MAY, SAMUEL, Brick Maker, Kilborne, Derbyshire. Feb. 12. *Trustees,* T. Pratt, Grocer, Little Eaton; J. Martin, Butcher, Derby. *Sol.* Shaw, Derby.

PALK, EDWARD, Yeoman, Coombeshacre, Ipplepen, Devonshire. Jan. 29. *Trustees,* W. Lambshead, and T. Bovey, Yeomen, both of Ipplepen. Creditors to execute before July 29. *Sol.* Francis, Newton Bushel.

ROBERTS, HENRY, Lace Manufacturer, Nottingham. Feb. 21. *Trustees,* A. J. Maltby, Lace Manufacturer, Nottingham; H. Johnson, Silk Merchant, Nottingham. Creditors to execute before May 21. *Sol.* Watson, Nottingham.

Creditors under Estates in Chancery.

TUESDAY, *Feb.* 22, 1859.

ABBOT, WILLIAM, Esq., Sittingbourne, Kent (who died in or about the month of Feb., 1858.) Re Abbott, V. C. Kindersley. *Last Day for Proof,* Mar. 19.

DIGGLE, JOHN, Gent., Bury St. Edmunds (who died in or about the month of Nov. 1844.) Bird *v.* Dingle, M. R. *Last Day for Proof,* Mar. 22.

SHERMAN, JOHN, Farmer, Conington, Huntingdonshire (who died in or about the month of Feb. 1846.) Scaby and Wife *v.* Macaness and Another, M. R. *Last Day for Proof,* Mar. 14.

WHELLET, THOMAS SEDGWICK, D.D., Bath (who died in or about the month of Sept. 1828.) Edzell and Others *v.* Wickham and Others; Lewis *v.* Welham and Others, V. C. Stuart. *Last Day for Proof,* Mar. 19.

WINSLOW, DEBLOIS, Vicar of Bulkington, Warwickshire (who died in or about the month of Sept., 1856.) Smith *v.* Welchman, V. C. Kindersley. *Last Day for Proof,* Mar. 16.

FRIDAY, *Feb.* 25, 1859.

ALLCROFT, FREDERICK WILLIAM, Opera Agent, 15 Roehampton-st., Pimlico (who died on or about Oct., 1858). Re Allcroft's Estate, H. D. & H. Jones *v.* Powter, V. C. Stuart. *Last Day for Proof,* Mar. 14.

CROWE, JOSEPH HENRY, Gent., Luccombe Chine Cottage, Bonchurch, Isle of Wight, formerly of Milbank, Westminster, Coal Merchant (who died in or about Sept., 1856). Cooper *v.* Trewby, M. R. *Last Day for Proof,* Mar. 30.

FOSTER, ALEXANDER SMITH, Gent., Bransford-rd., St. John's, near Worcester (who died in or about Sept., 1849). Jones *v.* Dighton, V. C. Kindersley. *Last Day for Proof,* Mar. 26.

POWIS, SARAH, Spinster, 8 Sumner-ter., Brompton (who died in or about Nov., 1858). Re Powis's Estate, Headland *v.* Powis & Another, V. C. Stuart. *Last Day for Proof,* Mar. 30.

TURNER, ABRAHAM, Wholesale Grocer, 261 Deansgate, Manchester (who died in or about May, 1857). Re Turner's Estate, Cordery & Others *v.* Walford, V. C. Wood. *Last Day for Proof,* Mar. 16.

Winding-up of Joint Stock Companies.

TUESDAY, *Feb.* 22, 1859.

UNLIMITED, IN CHANCERY.

KENT BENEFIT BUILDING SOCIETY, also called THE KENT FREEHOLD LAND SOCIETY.—V. C. Kindersley ordered the dissolution from Feb. 11.

NEW ENGINE COAL MINING COMPANY.—V. C. Wood, Feb. 26, will make an absolute order for dissolution.

PARAGON AND SPERO COAL MINING COMPANY.—V. C. Wood, Feb. 26, will make an absolute order for dissolution.

FRIDAY, *Feb.* 25, 1859.

IRISH WASTE LAND IMPROVEMENT SOCIETY.—V. C. Kindersley, on Mar. 9, at his Chambers, peremptorily ordered that a call of £4 per Share be made on all the Contributories.

SECURITY MUTUAL LIFE ASSURANCE SOCIETY.—V. C. Kindersley, on Mar. 14, at 12, at his Chambers, will make a call on all the Contributories of £1 per Share.

TREVENA MINING COMPANY.—The Master of the Rolls will, on Mar. 3, at 12, at his Chambers, make a call on the list of Contributories of £2 per Share.

Scotch Sequestrations.

TUESDAY, *Feb.* 22, 1859.

DUNLOP, ROBERT JOHN, Share Broker, 7 Henderson-row, Edinburgh. Feb. 28, at 12; Dowells & Lyon's Rooms, 18 George-st., Edinburgh. *Sec.* Feb. 18.

DUNLOP, ROBERT ANDERSON, sometime of 46 Heriot-row, Edinburgh, and late of Albany-st., Edinburgh, presently in the Prison of Edinburgh. Feb. 28, at 2; Cay & Black's Rooms, 65 George-st., Edinburgh. *Sec.* Feb. 17.

RANKIN, JOHN, Hair Cutter, Howard-st., Glasgow, and Sanchiehall-st. Mar. 2, at 2; Faculty of Procurators'-hall, St. George's-pl., Glasgow. *Sec.* Feb. 19.

RITCHIE, JAMES, & WILLIAM WYSE RITCHIE, Tailors, Princes-st., Edinburgh (J. & J. Ritchie & Co.) Mar. 1, at 1; Dowell & Lyon's Rooms, 18 George-st., Edinburgh. *Sec.* Feb. 17.

SINCLAIRS, ANDREW, Farmer, West Rogerton, Lanarkshire. Mar. 3, at 2; Commercial-inn, Hamilton. *Sec.* Feb. 18.

FRIDAY, *Feb.* 25, 1859.

BAYNE, ANDREW STEWART, Wine Merchant, John-st., Glasgow (J. Hall & Co.) Mar. 4, at 2; Faculty-hall, St. George's-pl., Glasgow. *Sec.* Feb. 21.

CAMERON, ALEXANDER, Grocer, Castle-st., Inverness. Mar. 1, at 2; Union-hotel, Inverness. *Sec.* Feb. 17.

CAMPBELL, ARCHIBALD, Victualler, Port-Dundas, Glasgow. Mar. 4, at 12; Faculty-hall, St. George's pl., Glasgow. *Sec.* Feb. 21.

CHRYSTIE, ALEXANDER, Nail Manufacturer, Whins of Milton, near Stirling. Mar 2, at 11; Office of Chrystal & Monteath, Writers, Stirling. *Sec.* Feb. 21.

HUTCHINSON, WILLIAM (W. Hutchinson & Co.), Timber Merchant, Glasgow; also a partner of the Clydesdale Shipping Company. Mar. 3, at 12; Faculty-hall, St. George's-pl., Glasgow. *Sec.* Feb. 21.

MARTIN, JAMES, Wholesale Stationer, 54 Hanover-st., Edinburgh. Mar. 2, at 2; Dowell & Lyon's Rooms, 18 George-st., Edinburgh. *Sec.* Feb. 21.

M'BRYDE, CHARLOTTE, or CHARLOTTE GARNOCK M'BRYDE, and JOSEPH GILCHRIST, Spirit Dealers, 4 Cable's-wynd, Leith. Mar. 1, at 2; New Ship-hotel, Shore, Leith. *Sec.* Feb. 22.

LAW STUDENTS' DEBATING SOCIETY,
AT THE LAW INSTITUTION, CHANCERY-LANE.

This Society meets in the Arbitration Room, No. 4, of the above building, on TUESDAY EVENINGS, at SEVEN o'Clock, for the discussion of legal and jurisprudential questions. Entrance by the South Corridor from Chancery-lane.

QUESTIONS FOR DISCUSSION.

For Tuesday, March 1st, 1859. President—Mr. PLASKITT.

LXXV.—Is it expedient that the Courts should be bound as they now are by precedent?

Mr. MATTHEWS is appointed to open the Debate; and Messrs. J. H. L. JONES, G. ALLEN, and GLOVER, to speak on the Question.

For Tuesday, March 8th, 1859. President—Mr. WINCKWORTH.

228.—Is the decision of the Court of Exchequer Chamber, in the case of Pemberton v. Chapman, 6 W. R. 769, correct?

Affirmative—Mr. BUTT and Mr. COBYNDON.

Negative—Mr. CARPMAEL and Mr. HENDERSON.

For Tuesday, March 15th, 1859. President—Mr. COUSINS.

229.—Can a license to the owner of a house, to enjoy an unobstructed access of light and air to his new window from over his neighbour's premises, be given by parol? Bridges *v.* Blanchard, 1 Ad. & Ell. 536, s. c. 3 Nev *v.* Man, 691. Woodfall's Landlord and Tenant, 7 Ed., 559.

Affirmative—Mr. LAWRANCE and Mr. NEWBON.

Negative—Mr. BRADFORD and Mr. TREDGOLD.

For Tuesday, March 22nd, 1859. President—Mr. LAWRANCE.

LXXVI.—Is it advisable to adhere to the rule requiring verdicts of Juries to be unanimous in Civil Cases?

Mr. PLASKITT is appointed to open the Debate; and Messrs. SLATER, WINGATE, and WEBSTER, to speak on the Question.

For Tuesday, March 29th, 1859. President—Mr. MATTHEWS.

230.—Prior to a Sale by Auction of Chattels, the owner gives to the intending purchaser a secret warranty. Is such warranty valid? Hopkins *v.* Tanqueray, 23 L. J., C. P., 162.

Affirmative—Mr. WALTERS and Mr. DAVIS.

Negative—Mr. RAE and Mr. W. B. CREATLE.

*** Members requiring Books from the Library must apply for them in the Arbitration Room, by seven o'clock, on the evenings of Debate.

Copies of the Rules, and all requisite information, will be furnished by the Secretary, with whom gentlemen desirous of becoming Members are requested to communicate.

MARMADUKE MATTHEWS, Secretary,
23, Bucklersbury, E. C.

EQUITY AND LAW LIFE ASSURANCE SOCIETY,
FOR
ASSURING THE LIVES OF PERSONS IN EVERY PROFESSION AND STATION, WHEREVER RESIDENT.

OFFICE:—No. 26, LINCOLN'S-INN-FIELDS, LONDON, W.C.
ESTABLISHED 1844.

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THE RIGHT HON. LORD MONTEAGLE.
THE RIGHT HON. THE LORD CHIEF BARON.
THE RIGHT HON. SIR J. T. COLERIDGE.
THE HON. MR. JUSTICE ERLE.
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ARTHUR H. BAILEY, ESQ.

Parties assuring within Six Months of their last birthday are allowed a proportionate diminution in the Premium.

The Assurances in force amount to £1,300,000; the Annual Income is upwards of £50,000; and the Invested Funds exceed £225,000.

Copies of the last Report, Prospectuses, and every information, may be had upon written or personal application to the Office.

THE TWENTY-FIFTH ANNUAL REPORT
CASH ACCOUNT and BALANCE SHEET to 31st December last, as laid before the Members of THE MUTUAL LIFE ASSURANCE SOCIETY, at the General Meeting, on Wednesday, 16th February, 1859, is now printed, and may be had on a written or personal application at the Society's Office, 39, King-street, Cheapside, E.C. To the Report and Accounts is appended a list of Bonuses paid on the claims of the year 1858.

CHARLES INGALL, *Actuary.*

THE MUTUAL LIFE ASSURANCE OFFICES,
39, King-street, Cheapside, London, E.C.

PROMOTER LIFE ASSURANCE and ANNUITY
COMPANY, 9, Chatham Place, New Bridge Street, London.
Established in 1836. Subscribed Capital, £240,000.

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This Society effects every description of Life Assurance, both on the bonus and non-bonus systems. Its non-bonus rates are lower than those of most offices, and the following are specimens of the additions which have been made to the beneficial policies.

Policy date.	Sum assured.	Bonus added.	Sum payable at death.
1839	£4000	£797 6 6	£4797 6 6
1841	500	104 1 7	604 1 7
1843	500	104 5 2	604 5 2
1847	1000	141 12 4	1141 12 4

A division of profits takes place every five years, and officers in the army and navy, diseased lives, and persons going out of Europe, are also assured on moderate terms.

Prospectuses with further particulars may be obtained at the office.

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To Landowners, the Clergy, Solicitors, Estate Agents, Surveyors, &c.

THE LANDS IMPROVEMENT COMPANY
is incorporated by special Act of Parliament for England, Wales, and Scotland. Under the Company's Acts, tenants for life, trustees, mortgagees in possession, incumbents of livings, bodies corporate, certain trustees, and other landowners, are empowered to charge the inheritance with the cost of improvements, whether the money be borrowed from the Company, or advanced by the landowner out of his own funds.

The Company advance money, unlimited in amount, for works of land Improvement, the loans and incidental expenses being liquidated by a rent-charge for a specified term of years.

No investigation of title is required, and the Company, being of a strictly commercial character, do not interfere with the plans and execution of the works, which are controlled only by the Enclosure Commissioners.

The improvements authorised comprise drainage, irrigation, warping, embanking, enclosing, clearing, reclaiming, planting, erecting, and improving farm-houses, and buildings for farm purposes, farm roads, jetties, steam-engines, water-wheels, tanks, pipes, &c.

Owners in fee may effect improvements on their estates without incurring the expense and personal responsibilities incident to mortgages, and without regard to the amount of existing incumbrances. Proprietors may apply jointly for the execution of improvements mutually beneficial, such as a common outfall, roads through the district, water-power, &c.

For further information, and for forms of application, apply to the Hon. WILLIAM NAPIER, Managing Director, 2, Old Palace-yard, Westminster.

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